

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7448 of 2023

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Anita Kumari, Wife of Sri Arun Kumar, Resident of Village-Ratanpur, Post-Hajpurba Karuaa, P.S.-Chakmaishi, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Health Department, Bihar, Patna.
2. The Commissioner, Darbhanga Pramandal, Darbhanga.
3. The Collector, Darbhanga.
4. The Special Work Officer, District Confidential Section, Darbhanga.
5. The Regional Additional Director, Health Department, Darbhanga Pramandal, Darbhanga.
6. The Civil Surgeon, Cum Chief Medical Officer, Darbhanga.
7. The Assistant Civil Surgeon cum Medical Officer, Darbhanga.
8. The In-Charge Medical Officer, Community Health Centre, Singhwara, Darbhanga.
9. The In-Charge Medical Officer, Community Health Centre, Gaura Bauram, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Rikesh Sinha, Advocate Mr.Dileep Kumar Singh, Advocate
For the State	:	Mr.Nagendra Pd. Yadav, SC-23

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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| 4 | 31-07-2023 | 1. | Heard learned counsel for the petitioner and learned counsel for the State. |
| | | 2. | The petitioner is aggrieved by her transfer as contained in order dated 20.04.2023. By the said order, she has been transferred from Primary Health Centre, Madhopur to Primary Health Centre, Gora Bauram. |
| | | 3. | Learned counsel for the petitioner submits that |



from perusal of Annexure-1, a letter dated 11.04.2023 issued by the Regional Deputy Director, Health Services to the Civil Surgeon-cum-Chief Medical Officer, it is obvious that the transfer is based on allegations for which no enquiry was conducted, nor any show cause has been issued to the petitioner.

4. Learned counsel for the State on the other hand submits that the letter merely shows the communication made from the Regional Deputy Director to the Civil Surgeon-cum-Chief Medical Officer wherein the various instances have been taken note of which has vitiated the functioning of the Primary Health Centre where the petitioner has been posted. For better and more efficient functioning of the Health Centre in larger public interest, the petitioner has been transferred under order dated 20.04.2023, which does not manifest any stigma.

5. This court would take into consideration the law in this regard emanating from decision of the Hon'ble Apex Court in the case of *State of U.P. & Ors. Vs. Gobardhan Lal* reported in *(2004) 11 SCC 402*. It is not the petitioner's case that the transfer is by an incompetent authority, contrary to the rule or based on any personal *mala fide* alleged against any individual. The authorities are at liberty to make transfer as long as it is not contrary to the rules, or posting the person on a lower



post or otherwise suffering from *mala fide*, for which concrete material is to be placed before the court. The said conditions are not fulfilled in the instnat case. The transfer order is also not stigmatic, nor entails any penal consequence on the petitioner. She has been transferred from one Primary Health Centre to another within the district.

6. This court, therefore, is not inclined to exercise discretion in favour of the petitioner for interfering with the order of transfer.

7. Writ application is dismissed.

(Madhuresh Prasad, J)

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