

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8160 of 2023

Dr. Jitendra Prasad, Son of Sri Rameshwar Prasad, Resident of Aparjita, Ward No. 28, Bhagwati Colony Chauhatta, Police Station- Hajipur, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Deputy Secretary, Health Department, Government of Bihar, Patna.
3. The Special Secretary, (Ayush) Health Department, Bihar, Patna.
4. The General Director Cum Joint Secretary, Ayush Health Department, Bihar, Patna.
5. The Director (Indigenous Medicines), Ayush Health Department, Bihar, Patna.
6. The Civil Surgeon Cum Chief Medical Officer, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Manoj Kumar Upadhyay, Advocate
For the State	:	Mr. Binod Kr. Yadav, SC-18

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 31-07-2023 1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Learned counsel for the petitioner raises a limited grievance regarding non-consideration of his request for being transferred to his home district at Hajipur, made in light of letter dated 03.06.2009 issued by the Cabinet Secretariat Department bearing Memo No.881, by the Special Secretary, Siwan AYUSH Range. He submits that the Cabinet Secretariat Department in paragraph-2 of the said letter has declared a policy of



compassionate consideration for posting in the last year of service at the place of choice. The authority, however, has not taken any final decision on the petitioner's representation dated 04.04.2023 whereas his date of retirement is 31.12.2024.

3. This court finds that the provision relied upon by the petitioner is not a binding provision which vests any indefeasible right in the employee to claim a posting of choice in the last year of service, though it is apparent that such request requires compassionate consideration.

4. The petitioner's date of retirement, however, is 31.12.2024. The petitioner thus has not entered his last year of service based on which he can seek such a request under the provision relied upon. The same is applicable only to those who are in the last one year of their services. The petitioner, therefore, has no enforceable claim for even consideration, as of now, in terms of letter dated 03.06.2009.

5. Writ application is dismissed.

(Madhuresh Prasad, J)

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