

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.544 of 2019

-
1. Akhtar Ansari Son of Ramzan Ansari, Resident of Village- Gulariya, Post-Anhari, P.S.- Riga, District- Sitamarhi.
 2. Sunil Ram, Son of Karu Ram, Resident of Village- Gonawan, Post-Gonawan, P.S.- Harnaut, District- Nalanda.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Executive Director, State Health Society, Bihar, Patna.
3. The District Magistrate-cum-Chairman, District Health Society, Nalanda, Bihar.
4. The District Magistrate-cum-Chairman, District Health Society, Sitamarhi, Bihar.
5. The Civil Surgeon-cum-Member Secretary, District Health Society, Nalanda, Bihar.
7. The Civil Surgeon-cum-Member Secretary, District Health Society, Sitamarhi, Bihar.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Ashhar Mustafa, Advocate
For the State	:	Mr. S.D. Yadav, AAG-9
		Mr. Nagendra Kumar, AC to AAG-9
For resp no. 2	:	Mr. K.K. Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioners and the State as also learned counsel representing State Health Society, Bihar, Patna.

The petitioners in the present case are seeking to challenge the order dated 17.07.2018 passed by respondent no. 2 by which their request for mutual transfer to Sitamarhi and Nalanda has been rejected.

Learned counsel for the petitioner submits that earlier



the petitioners had moved this Court in CWJC No. 9626 of 2018 in which a direction was issued to respondent no. 2 to dispose of the representation of the petitioners within a period of four weeks.

It is submitted that by the impugned order dated 17.07.2018 (Annexure '9'), the representation has been rejected on the ground that the State Health Society did not have a transfer policy on mutual consent basis from one district to another district or intra district transfer of the Ayush Doctors. The order, however, states that on arriving at a policy decision in this regard, these kind of cases may be considered.

Mr. Kishore Kumar Sinha, learned counsel representing State Health Society, Bihar submits that recently the Samiti has in its 29th Meeting taken a policy decision in this regard, therefore, in case fresh representations are filed on behalf of each of the petitioners separately, the same may be considered keeping in view the transfer policy and the other guidelines of the State Government in this regard.

In the aforesaid view of the matter, this writ application is being disposed of with liberty to the petitioners to file fresh representations on behalf of each of them separately within a period of six weeks from today and in case, such



representations are filed, the Executive Director, State Health Society, Bihar, Patna (respondent no. 2) shall look into the same and take an appropriate decision within a period of two months from the date of submission of the representations.

The respondent no. 2 shall also examine that if the Samiti has not framed its own independent policy on any of the issues arising for consideration in the matter of transfer and posting why Government guidelines cannot be adopted by the Society because after all, the Society is the creation of the Government to carry on the functions assigned to them by the Government. In the name of there being no policy, the persons like the petitioners cannot be left to keep on waiting for an ad-infinitum period.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U			
---	--	--	--

