

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9679 of 2022

Sushila Kumari Wife of Birendra Kumar Resident of Mohalla- Ashochak
Nandlal Chapra, P.S.- Ram Krishna Nagar, Near Patna Marble, Ashochak,
Ward no.46, Manoharpur Kachhuara, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Service, Bihar, Patna.
2. The Director-in-Chief, Health Service, Bihar, Patna.
3. The Principal, P.M.C.H. Patna, Bihar.
4. The Principal, A.N.M.M.C.H. Gaya, Bihar.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 11046 of 2022

Radhika Kumari wife of Ratneshwar Kumar, resident of Nurses Hostel Room
No. 8, Grade- A, P.M.C.H. Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Service, Bihar, Patna.
2. The Director-in- Chief, Health Service, Bihar, Patna.
3. The Principal, P.M.C.H. Patna, Bihar.
4. The Principal, Govt. Medical Hospital Bettiah.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 9679 of 2022)

For the Petitioner/s : Mr.Arbind Kumar, Advocate

For the Respondent/s : Mr.Ramadhar Singh (GP-25)

Mr.Anirudh Kumar Singh, AC to GP-25

(In Civil Writ Jurisdiction Case No. 11046 of 2022)

For the Petitioner/s : Mr.Arbind Kumar, Advocate

For the Respondent/s : Mr.Mujtabaul Haque (GP-12)

Mr.Vasant Vikas, AC to GP-12

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-04-2023 Heard learned counsel for the petitioners and the

State.

Petitioners in both the writ applications have



challenged the order as contained in Memo No. 478(6) dated 15.06.2022 issued under signature of the Director-in-Chief, Health Services, Bihar, Patna whereby and whereunder the petitioners have been transferred from Patna Medical College & Hospital, Patna to Anugrah Narayan Magadh Medical College & Hospital, Gaya and Government Medical College, Bettiah respectively.

Learned counsel for the petitioners submits that on a bare perusal of the order of transfer (Annexure '1'), it would appear that the order is stigmatic and it has been issued by way of punishment. It is, therefore, his submission that the transfer order be quashed.

Learned counsel for the petitioners has informed this Court that both the petitioners have already joined at their respective Institutions/ places.

A counter affidavit has been filed on behalf of the State. It is stated that in connection with certain financial irregularities/ illegalities, a First Information Report being Pirbahore P.S. Case No. 549 of 2021 has been lodged. The counter affidavit also states that there are allegations that while working at Patna Medical College & Hospital, Patna, the petitioners were involved in misappropriation of hospital supply



articles. Learned counsel submits that in such circumstances, due to administrative reasons and in the interest of administration, the transfer has been ordered.

Learned counsel for the State submits that in Annexure '1', there was no need to write that it is being passed for the alleged financial irregularities or negligence but inadvertently, the same has cropped up. However, the fact remains that the petitioners are being investigated in the criminal case.

Learned counsel for the petitioners admits that prior to issuance of order of transfer, the petitioners were served with show cause notice regarding the alleged negligence/ corruption/ financial irregularities.

Having heard learned counsel for the petitioners and the State as also on perusal of the records, this Court is of the considered opinion that in the nature of the materials present on the record, this Court need not exercise its extraordinary writ jurisdiction to interfere with the order of transfer which has already been taken effect. So far as the submission that the order of transfer (Annexure '1') contains recital about the negligence and irregularities committed by the petitioners, this Court would simply direct the respondents to modify the order of transfer and



the same be made only stating that the transfer is being made from administrative point of view. This fact is already there in Annexure ‘1’.

With the aforesaid observations, both the writ applications are disposed of.

(Rajeev Ranjan Prasad, J)

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