

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10857 of 2022

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Sanju Kumari W/o- Rajiv Ranjan Kumar Resident of Village- Patel Nagar,
Harnaut, P.S.- Harnaut, Dist.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Department of Health, Government of Bihar, Patna.
3. Director-in-Chief (Nursing), Health Services, Department of Health, Government of Bihar, Patna.
4. Civil Surgeon-cum-Chief Medical Officer, Sitamarhi.
5. In-Charge Medical Officer Community Health Center, Sonbarsa, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ebrahim Kabir, Advocate Ms.Shruti Sinha, Advocate
For the Respondent/s	:	Mr.Mujtabaul Haque, GP 12 Mr. Vasant Vikas, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, in the present case, is seeking a direction to
the respondent authorities to consider her case for transfer from
Community Health Centre, Sonbarsa, District – Sitamarhi to
Primary Health Centre, Tharthari, district – Nalanda or any
other Primary Health Centre in Nalanda District.

Learned counsel for the petitioner submits that the
petitioner has already completed three years at her present place
of posting. She had applied online on 12.06.2021 for her



transfer on the ground that her husband is working as Para Medical Worker (Leprosy) in the Primary Health Centre, Tharthari, District – Nalanda and that the petitioner has got two small children who are getting affected because of the present posting of the petitioner at a far distant place.

Learned counsel submits that the Cabinet Secretary and the Coordination Department has in its letter no. 434 dated 01.03.2007 laid down the guidelines for the transfer of the government employees. One of the guidelines is that the wife and husband be posted nearer to each other as far as possible.

It is submitted that the spirit of the guidelines is to help the female employees from coming out of a sense of insecurity because of her posting at a far distant place from that of her husband.

Learned counsel submits that vide letter no. 1975 dated 30.06.2022 several ANM and other health worker have been transferred from one district to another district considering their application on spousal ground. In this regard, the letter contained in Annexure '6' has been placed before this Court.

Learned counsel for the State submits that since the petitioner has already completed three years at the present place, if she files fresh representation the same will be considered in



accordance with the government policy.

Having heard learned counsel for the petitioner and learned counsel for the State as also on perusal of the records, this Court finds from letter no. 1975 dated 30.06.2022 (Annexure '6') that the State Health Society, Bihar has considered the request of several employees for his/her transfer from one place to another on spousal ground. The list contains name of at least 55 such persons who have been allowed transfer on their request of spousal ground.

In the kind of the materials present on record, this Court finds no reason as to why the representation of the petitioner as contained in Annexure '4' to the writ application addressed to the Director-in-Chief (Nursing), Health Services, Department of Health, Government of Bihar, Patna (respondent no. 3) has not been considered.

This Court directs the Director-in-Chief (Nursing), Health Services, Department of Health, Government of Bihar, Patna (respondent no.3) to look into the Annexure '4' which is the representation of the petitioner and consider the same keeping in view the guidelines of the Government and the fact that Annexure '6' shows similar consideration given to others on spousal ground.



Let such consideration be given within a period of two months from the date of receipt/production of a copy of this order. It will be open for the petitioner to file a fresh representation, if so advised, within a period of two weeks but that will not be a reason for the respondent no. 3 to delay the consideration of Annexure '4'. This Court expects that respondent no. 3 shall maintain uniformity in the matter of consideration of the request of the petitioner.

This Writ Application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

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