

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10155 of 2023

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Dr. Meena Roy Wife of Mantu Ram Resident of Referral Hospital, Haspura,
Aurangabad, POlice Station-Haspura in the Distirct of Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Health, Government of Bihar, Patna.
4. The Civil Surgeon-Cum-Chief Medical Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate
For the Respondent/s : Mr.Nagendra Pd. Yadav (Sc 23)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. A vague allegation has been made in the writ
application that the transfer of petitioner from the post of
Medical Officer, Referral Hospital, Haspura, Aurangabad to the
post of Medical Officer, Community Health Centre, Khizersarai
in the district of Gaya, has been made at the instance of the local
M.L.A.

3. There is no tangible material whatsoever with
reference to any instance in the writ petition based on which the
petitioner may assert that the local M.L.A. was nurturing any
mala fide against the petitioner or that the order of transfer is at



the instance of the local M.L.A. Even the name of local M.L.A. has not been mentioned nor the M.L.A. has been impleaded as party respondents. These facts have to be viewed keeping in background the admitted position that the petitioner has been posted at Aurangabad since 2010 and her transfer from the earlier place of posting is after 13 years that also in the adjoining district of Gaya.

4. This Court finds that no case has been made out to interfere with the order of transfer. The Court is not inclined to exercise jurisdiction under Article 226 of the Constitution of India. The law is well settled that transfer orders are best left to the administrative discretion of the authorities. The recent of decision of the Hon'ble Apex Court in the case of ***State of U.P. and Others versus Gobardhan Lal*** reported in ***(2004) 11 SCC 402*** is relevant in this regard.

5. This Court does not find any merit in the writ application. The same is dismissed.

(Madhuresh Prasad, J)

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