

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11816 of 2022

Chandramukhi Kumari W/o Rajeev Ranjan, R/o - Village - Ambedkar Nagar,
P.S.- Rupaspur Dist - Patna, Bihar, at present working as sister tutor, GNM
Nursing Institute, PMCH, Patna.

... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary, Health Government of Bihar, Vikash Bhawan, Patna.
2. The Additional Chief Secretary, Health Department, Government of Bihar, Vikash Bhawan, Patna.
3. The Additional Secretary, Health Department, Government of Bihar, Vikash Bhawan, Patna.
4. The Director-in-Chief, Health Services (Nursing), Government of Bihar, Vikash Bhawan, Patna.
5. The Superintendent, Patna Medical College and Hospital (PMCH), Ashok Raj Path, Patna - 800004.
6. The Principal, GNM Nursing Institute, PMCH, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Ajay Behari Sinha (GA-8)
		Mr.Neeraj Raj, AC to GA-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioner and Mr.
Ajay Behari Sinha, learned GA-8 for the State.

Petitioner in the present case is seeking to challenge the order as contained in memo no. 295(6) dated 04.05.2022 issued by the respondent- Director-in-Chief, Health Services, Government of Bihar, transferring the petitioner from the present place of posting of tutor at GNM Nursing Institute, Patna Medical College and Hospital, Patna to the Sadar Hospital, Kishanganj as Staff Nurse Grade-A.



Learned counsel for the petitioner submits that on her representation, the respondents have stayed her transfer for one year, therefore, the petitioner has continued at this place.

Learned counsel submits that the petitioner has certain difficulties in maintaining her family life and her husband who is posted at Patna, therefore, in terms of the Government's policy on the spousal ground, the petitioner be allowed to remain at Patna.

On the other hand, Mr. Ajay Behari Sinha, learned GA-8 has opposed this writ application.

It is submitted that the petitioner has remained at the same station at Patna since the year 2008, therefore, despite her continued stay for almost 15 years if she is challenging her transfer, it is required to be rejected. Learned Government Advocate further submits that so far as the spousal ground is concerned, the said policy cannot be read as an absolute right vested in the petitioner so as to seek her permanent stay at Patna. The transfer is an incident of service and this is not an appropriate case in which the said policy may be said to have been violated.

Having regard to the submissions noted hereinabove, and on finding that undisputedly, the petitioner has stayed at



Patna for last 15 years, this Court finds no reason to interfere with the impugned order.

The writ application is, therefore, dismissed.

(Rajeev Ranjan Prasad, J)

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