

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22323 of 2019

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Rinku Kumari, wife of Manoj Kumar, resident of village- Medni Chowki,
P.O. Amarpur, P.S. Medni Chowki, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director- in - Chief, Health Services, Bihar, Patna.
4. The Regional Additional Director, Health Services, Munger Division, Munger.
5. The Civil Surgeon- cum - Chief Medical Officer, Munger District- Munger.
6. The Civil Surgeon - cum - Chief Medical Officer, Lakhisarai District- Lakhisarai.
7. The Incharge Medical Officer, Primary Health Centre, Sangrampur, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
		Mr. Abhinav Shandilya, Advocate
For the Respondent/s	:	Mr. Aditya Nath Jha, AC to SC-18

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-04-2023 Heard learned counsel for the petitioner and the State.

This writ application has been filed for issuance of a writ in the nature of a writ of mandamus commanding the respondent no.6 to accept the joining of the petitioner and post her in the Primary Health Centre in the district of Lakhisarai pursuant to the order passed by the respondent no.4 contained in memo no.313 dated 28.06.2019.

At this stage, learned counsel for the petitioner submits that upon finding that the transfer of the petitioner was



done to a place where there was no vacancy in the ANM cadre as per roster point, the Director-in-Chief, Health Services, Bihar cancelled the said transfer vide memo no.190(6) dated 06.02.2020 and directed the transferred employees to join at their original place of posting. It is submitted that the petitioner has already joined at the transferred place. Now the only grievance of the petitioner is that she has not been paid her salary for the period she remained without posting and joining at the transferred place.

Learned counsel for the State submits that so far as the present writ application is concerned, in this application there is no prayer with regard to the payment of salary but in case the petitioner represents before the competent authority the same shall be considered in accordance with law.

Having regard to the submissions noted hereinabove, this Court grants liberty to the petitioner to file a representation before the Director-in-Chief, Health Services, Bihar, Patna (respondent no.3) within a period of six weeks from today giving the detail reasons under which she remained without posting and joining at the transferred place together with her claim for salary. If such a representation is filed, the same shall be considered by the respondent no.3 and an appropriate order



thereon shall be passed within a period of two months from the date of receipt of the representation.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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