

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1024 of 2023

In

Civil Writ Jurisdiction Case No.1510 of 2023

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1. Abha Kumari Wife of Sri Sandeep Kumar Resident of Village- Bharatganj, P.O. and P.S.- Barbigha, District- Shekhpura.
 2. Sweta Kumari Wife of Sri Navnish Kumar Resident of Village- Issua, Post- Pawapuri, P.S.- Giriyak, District- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Health Department, Govt. of Bihar, Patna.
4. Director-in-Chief, Health, Bihar, Patna.
5. The District Magistrate, Shekhpura.
6. Executive Director, State Health Society, Bihar, Patna.
7. Civil Surgeon- cum- Chief Medical Officer, Shekhpura.
8. In-Charge Medical Officer, Referral Hospital Barbigha, District- Shekhpura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Siya Ram Shahi, Adv
For the Respondent/s : Mr. S.D. Yadav (AAG9)
Mr. Anil Kumar, AC to AAG-9

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-02-2024

The appellants are regularly appointed nurses, who have now been posted as Community Health Officers. The appellants contention is that they cannot be posted as Community Health Officers, without a certificate course in



Community Health from the IGNOU.

2. Learned counsel for the appellants has not been able to show us, any such mandatory requirement, as brought out by the State. The reference is only made to Annexure-1, a guidance note for States or U.T.'s, in which programs for Community Health for Nurses and for Ayurvedic Practitioners have been brought out by the IGNOU. It only speaks of a certificate programme which can be rolled out by the IGNOU, with theory classes and hands-on practicum (sic) training. However, it cannot be said that the nurses who have that qualification alone can be posted as Community Health Officers.

3. The appellants are qualified nurses who are competent to handle the duties of a Community Health Officer. Merely, because IGNOU provides a course in community health cannot result in an insistence on only persons qualified in that course being posted as CAO's. Nor can the appellants insist that the State should exhaust and first past in-service personnel who have such qualification as CAO's.

4. The appellants are more aggrieved with their



displacement from their existing posts and the location of the deputation, being far from their homes; which are not valid grounds. The writ petition itself is misconceived.

5. We find absolutely no reason to entertain the appeal. It is accordingly, dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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Transmission Date	

