

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14856 of 2024

1. Vijay Kumar Prasad Son of Jamadar Prasad, Resident of Village-Tarwa Khurd, Bakulari, District-Siwan.
2. Ranjit Kumar, son of Late Lala Sachidanand Prasad, Resident of Mohalla-Nai Basti Mahadeva, P.O. Siwan, P.S. O.P. Thana Siwan, District-Siwan.
3. Sudhir Kumar, Son of Bindeshwari Lal, Resident of Near Registry Office, Shastri Nagar, District-Siwan.
4. Krishna Kumar son of Jatashankar Bhagat, Resident of Mundipur, P.O. and P.S. Mundipur Hulesra, District-Siwan.
5. Kamleshwar Prasad, son of Ramnath Prasad, Resident of Village-Tarwan, P.O. and P.S. Tarwan, District-Siwan.
6. Azhar Imam, Son of Ali Imam, Resident of Naya Qila Nawalpur Siwan, District-Siwan.
7. Arun Kumar Ram, son of Ramautar Ram, Resident of Ujjain, P.O. and P.S. Bangra, Miyan Ke Bhatkan, District-Siwan.
8. Pintu Ray son of Late Balbhadra Ray, Resident of Madhopur, P.O. and P.S. Madhopur, District-Siwan.
9. Vinay Kumar Dubey, son of Sanjay Dubey, Resident of Village-Selaur, Gothini, District-Siwan.
10. Md. Hasir, son of Mohammad Mashir, Resident of Village-Sharif Jalalpur, P.O. and P.S. Jalalpur, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Director in Chief, Department of Health, Bihar, Patna.
4. The Regional Additional Director, Saran Division, Department of Health, Bihar, Patna.
5. The Civil Surgeon cum Chief Medical Officer, Siwan.
6. The Incharge Medical Officer of the Respective Primary Health Centre, Siwan.

... .. Respondent/s

Appearance :



For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the State : Mr. Shankar Prasad, SC 8
Mr. Ruchikar Jha, AC to SC 8

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-09-2024 Heard Mr. Anil Kumar Sinha, learned counsel

appearing on behalf of the petitioners and Mr. Shankar Prasad,

learned SC 8 along with Mr. Ruchikar Jha, AC to SC 8 for the

State.

2. Petitioners have *inter alia* prayed for following
reliefs in the paragraphs No.1 of the writ petition:-

*1. That this is an application Praying for
issuance of an appropriate writ, order or direction
for the following Reliefs:-*

*(A) To quash the order passed by the
Director- in-Chief, (Disease Control, Public Health,
Para Medicals), Health Services, Bihar, Patna i.e.
respondent no.3, contained in Memo No. 1839 dated
02.09.2024 whereby and where under the order
issued by the Regional Additional Director, Saran
Division, Department of Health, contained in letter
No.77 dated 04.07.2024 has been cancelled and,
further directed therein to the concerned respondents
that in view of the orders passed by the Civil
Surgeon-Cum-Chief Medical Officer, Siwan, as
contained in Memo No.1364 dated 29. 06.2024,
Memo No.1365 dated 29.06.2024 and Memo
No.1366 dated 29.06.2024, release the transferred
employees within one week failing which from
10.09.2024 they shall be released automatically.*

*(B) To quash the orders passed by the
Civil Surgeon-Cum-Chief Medical Officer, Siwan i.e.
respondent no.5, contained in Memo No. 1364,1365
dated 29.06.2024 and Memo No.1366 dated
29.06.2024 respectively, so far the Petitioners are
concerned, by which employees of clerical cadre
have been transferred, because the aforementioned
orders passed by the Civil Surgeon-Cum Chief
Medical officer, Siwan, is contrary to the direction
issued by the Director-in-Chief (Diseases Control),
Health Services, Bihar Patna vide its Letter No.714*



(4) dated 22.06 2018 and others grounds also.

(C) Consequently to direct the respondents not to disturb the Petitioners from the present Place of Postings i.e. where the Petitioners were working before issuance of the impugned order dated 02.09.2024 as contained in Annexure-4 to the writ petition.

(D) Any other relief or reliefs as your Lordships may deem fit and proper in the facts and circumstances of the case.

3. Learned counsel appearing on behalf of petitioners submitted that the petitioners seek to file detailed representation for redressal of their grievance before the Additional Chief Secretary, Department of Health, Government of Bihar for the relief as prayed for in the present writ petition. Grievance of the petitioners is that transfer of the petitioners can only be considered to be punitive in nature and the same requires interference and reconsideration by the authority concerned, as the action of the Director-in-Chief, Department of Health, Bihar, respondent no.3 is not in accordance with law and is in complete violation of the several government resolutions including Resolution No.714(4) dated 22.06.2018.

4. This Court will not interfere to hold, as to whether, the transfer order is punitive in nature, so far as the present petitioners, who are altogether 10 in numbers is concerned. Since the petitioners have desired to file their individual comprehensive representation before the Additional Chief Secretary, Department of Health, Government of Bihar, he is



directed to call for the service particulars of the petitioners and must also consider the fact that petitioners have raised in paragraph no.12 to 17 that the punishment order is punitive in nature, in view of the fact that they have been demoted to a lower post which is not permissible under the law. The Additional Chief Secretary, Department of Health, Government of Bihar must provide due opportunity of hearing to the petitioners and pass reasoned order in their respective cases in accordance with law expeditiously.

5. In case, petitioners find that unnecessarily their representation is being delayed, the petitioners are at liberty to take action against Additional Chief Secretary, Department of Health, Government of Bihar.

6. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

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