

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17571 of 2024

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Bablu Kumar Sah, son of Late Krishna Deo Prasad Sah, resident of Village-
Bahadurpur, P.S.-Athmalgola, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police (Head Quarter) Bihar, Patna-cum-Chairman of the Establishment Committee.
4. The Inspector General of Police (Head Quarter) Bihar, Patna.
5. The Deputy Inspector General of Police Saran Range, Chhapra.
6. The Senior Superintendent of Police Saran at Chhapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Advocate
For the Respondent/s : Mr. Mujtabaul Haque, GP-12

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-11-2024 Heard the parties.

2. The petitioner by filing the present writ petition seeking a direction upon the respondents concerned to consider the case of the petitioner for his transfer from Saran District Police Force to Patna District Police Force, in view of his continuous precarious medical condition and the Medical Board report, Patna and Chhapra that the petitioner has been suffering from neurocysticercosis and he has been under continuous treatment of doctor at Patna.

3. Learned Advocate for the petitioner contended that upon being appointed on compassionate ground on 05.06.1998



as a constable in the District Police Force, Bhojpur at Ara, the petitioner has been continuously discharging his duty to the entire satisfaction of the authorities. While he was discharging his duty at Nalanda Police Force, he fell ill and during the course of treatment, it was detected that the petitioner is suffering from neurocysticercosis. The copy of the medical prescription have been brought on record by way of annexure P/1, 2 and 3 series.

4. It is further contended that the petitioner has been getting his regular treatment under the advise of Dr. H.R.P. Verma and other specialized doctors at Patna. The Medical Board, constituted by the department also opined that the petitioner is suffering from the afore-noted disease and advised to superior authority to post him to likewise place in Patna, for his proper treatment. In such a situation the petitioner had requested and accordingly on health and medical ground, he was posted in Police Line at Patna, so that he may continue his treatment.

5. While the petitioner was on continuous treatment by different doctors at Patna, in the mean time, vide memo no. 49 dated 23.01.2024, the petitioner has been transferred alongwith others from Patna District Police Force to Saran



District Police Force. In compliance with the transfer order, though the petitioner has submitted his joining to the transferred place, but considering his deteriorating health condition, he filed representation before the concerned authorities including the DGP, Bihar, Patna.

6. Drawing the attention of this Court to clause 5 of the said transfer and posting order as contained in annexure 4 to the writ petition, learned Advocate further contended that it has been categorically provided that any officer having any difficulty with the transfer order can submit his application after joining to the concerned Superintendent of Police or other officers of their newly posted unit. Despite his representation pending before the competent authority, no final order has been passed, compelling the petitioner to approach before this Court.

7. Learned Advocate for the State submits that as the request of the petitioner is pending consideration, the competent authority shall look into the matter and pass appropriate order, in accordance with law.

8. Having heard the submissions advanced on behalf of learned Advocate for the respective parties and taking note of the aforesaid facts and the opinion of the Medical Board of the doctors, which advised the petitioner proper medical treatment



by efficient doctor, the writ petition stands disposed off with a direction to the respondent no. 4 to consider the representation of the petitioner dated 04.10.2024 (annexure-9) preferably within a period of four weeks from the date of receipt/production of a copy of this order and pass appropriate order in accordance with law, keeping in mind the poorly medical condition.

9. The writ petition stands disposed off with the aforesaid observation.

(Harish Kumar, J)

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