

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1746 of 2025

Dr Vijay Kumar, Son of Nawal Kishore Prasad, Resident of House No 68/7
Tilak Marg, North S.K. Puri Boring Road, P.S.- S.K. Puri District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Department of Health, Bihar, Patna.
3. The Secretary, Department of Health, Bihar, Patna.
4. The Additional Secretary, Department of Health, Bihar, Patna.
5. The Deputy Secretary, Department of Health, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Adv.
For the Respondent/s : Mr. Bipin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-02-2025 Heard Mr. Prabhu Nath Pathak, learned counsel for
the petitioner and Mr. Bipin Kumar, learned counsel for the
State.

2. The petitioner prays for issuance of a writ in the
nature of mandamus seeking a direction upon the competent
authority to consider his case for transfer from Community
Health Centre, Parihar, Sitamarhi to Patna Sadar i.e. Home
Town of the petitioner in terms of Government Policy as
contained in Notification No. 667 dated 01.08.2019 issued
under the signature of Joint Director, Directorate, Empowerment
of Persons with Disabilities, Department of Social Welfare,



Bihar, Patna, especially in terms of Sub-clause 5 of Clause-Gh, which provides for transfer of disable government servant to his Home Town.

3. Learned counsel for the petitioner submitted that the petitioner is a Dental Surgeon under the Department of Health, Government of Bihar, at present working at Community Health Centre, Parihar, Sitamarhi vide Notification No. 1635(2) dated 13.09.2019. It is further contended that the petitioner suffers from 65% of permanent disability in the left lower limb, for which disability certificate was issued on 30.07.1992 by the competent authority, the photocopy of the disability certificate is marked as Annexure-P/2. It is the contention of the petitioner that the petitioner is posted at Parihar, Sitamarhi for more than four and a half years and he made several representations before the competent authority, including the respondent no.2, in the light of Notification No. 667 dated 01.08.2019, but till date his claim has not been considered and no final order has been passed.

4. Learned counsel for the State submitted that since the petitioner has approached the competent authority by way of Annexure-P/4 series; the competent authority shall look into the matter and pass necessary order in accordance with law.



5. Having considered the nature of the grievance, this Court deems it appropriate to direct the respondent no.2, the Additional Chief Secretary, Department of Health, Bihar, Patna, to consider the representation(s) of the petitioner (Annexure-P/4 series) in terms of Notification No. 667 dated 01.08.2019, especially in terms of Clause-Gh(5) and pass necessary order in accordance with law, preferably within a period of eight weeks from today.

6. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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