

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.152 of 2022

In
Civil Writ Jurisdiction Case No.15266 of 2021

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Rubi Kumari, Daughter of Rajendra Prasad and wife of Manikant Kumar,
Resident of Village and P.O. Ajnaura, P.S. Noorsarai, District Nalanda at
Biharsharif, Presently Working as General Nurse Midwifery Grade- A, Sub.
Divisional Hospital, Jhanjharpur, District Madhubani.

... .. Appellant/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 Medical Officer, Madhubani, District- Madhubani.
4. The Civil Surgeon Cum- Chief Medical Officer, Madhubani, District- Madhubani.
5. Sri Ram Naresh Chaudhary, son of not known to the petitioner, Presently posted as Deputy Superintendent, Sub- Divisional Hospital Fulparas, District Madhubani.
6. The Deputy Superintendent, Sub- Divisional Hospital, Jhanjharpur, District Madhubani.
7. Sri Baiju Krishna Bharti Son of not known to the Petitioner, Presently Posted as the Head Clerk, Sub- Divisional Hospital, Fulparas, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarendra Narayan, Advocate
For the Respondent/s : Mr. Anil Kumar Verma, AC to AAG-9

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 30-06-2025

We have heard Mr. Amarendra Narayan, the

learned Advocate for the appellant and Mr. Anil Kumar

Verma, the learned Advocate for the State.



2. The appellant served as GNM (General Nurse Midwifery), Fulparas for about five years (three months short), when she was transferred to Babubarahi on 30.06.2021. Shortly thereafter, she was again transferred to Jhanjharpur on 06.07.2021.

3. This transfer was challenged by the appellant on the ground that she was transferred before she had completed five years, which is against the guidelines with respect to transfer of ANM.

4. The learned Single Judge found such transfer orders to be executive orders, which was not necessary to be reviewed, especially, in view of the judgment of the Supreme Court in ***State of Punjab and others v. Joginder Singh Dhatt, AIR 1993 SC 2486.***

5. However, the appellant was given the liberty by the learned Single Judge that if the appellant was entitled to any monetary entitlement during the intervening period from 30.06.2021 to 06.07.2022, necessary application could be filed by her before the



officer concerned and she shall, if there is no objection to such entitlement, be extended such benefits.

6. We do not find any reason to interfere with the judgment impugned.

7. The appeal stands dismissed.

8. The appellant shall have the liberty to approach the Authority concerned for the needful, in case so desired.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

manoj/sujit-

AFR/NAFR	NAFR
CAV DATE	NA
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