

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1061 of 2023

In

Civil Writ Jurisdiction Case No.7448 of 2023

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Anita Kumari Wife of Sri Arun Kumar, Resident of Village - Ratanpur, Post-Hajpurba Karuaa, P.S.-Chakmaishi, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar Through Additional Chief Secretary, Health Department, Bihar, Patna.
2. The Commissioner, Darbhanga Pramandal, Darbhanga.
3. The Collector, Darbhanga.
4. The Special Work Officer, District Confidential Section, Darbhanga.
5. The Regional Additional Director, Health Department, Darbhanga Pramandal, Darbhanga.
6. The Civil Surgeon, cum Chief Medical Officer, Darbhanga.
7. The Assistant Civil Surgeon, cum Medical Officer, Darbhanga
8. The In-charge Medical Officer, Community Health Centre, Singhwara, Darbhanga.
9. The In-charge Medical Officer, Community Health Centre, Gaura Bauram, Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dileep Kumar Singh, Advocate

For the Respondent/s : Mr. S.D. Yadav, AAG-9

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 : 04-02-2025

Re. I.A. No. 1 of 2023:-

The learned Advocate for the appellant presses the afore-noted interlocutory application for condoning the delay of 5 days in preferring this appeal.

2. For the reasons stated in the application, the delay of 5 days in preferring this appeal is, hereby, condoned.

3. I.A. No. 1 of 2023 stands allowed.

Re. L.P.A. No. 1061 of 2023:-

4. We have heard Mr. Dileep Kumar Singh, the learned Advocate for the appellant and Mr. S.D. Yadav, the learned AAG-9 for the State.

5. The appellant, an ANM, was aggrieved by her transfer from one Primary Health Center to another but in the same district.

6. The Contention of the appellant is that it was



pursuant to a communication made with respect to her conduct. The counsel for the appellant, therefore, submits that the transfer order was effected by way of punishment without giving any opportunity to explain her cause.

7. The learned Single Judge, after reading the order of the transfer, found that something may have been in the background, but then the transfer was made only for the purposes of effective functioning of the Primary Health Centre, where the appellant had been posted for sometime. The transfer order appeared to have been effected for better and more efficient functioning of the Health Centre in larger public interest. The order of transfer does not *prima facie* appear to be stigmatic in any manner, whatsoever. No *mala fides* also could be proved by the appellant before the learned Single Judge. Precisely, for this reason, her challenge to such transfer order could not be sustained.

8. The appellant now must have joined the



transferred place of posting.

9. We do not find any reason to interfere with the order of the learned Single judge refusing to interfere with such transfer matter, made in public interest and for efficient functioning of the system.

10. The appeal stands dismissed in *limine*.

11. Interlocutory application(s), if any, also stands disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Manoj/Praveen-II

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

