

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2574 of 2025

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Awadhesh Kumar Son of Late Gorwa Dom @Gorwa Mallik, resident of Mohalla- Marksbadī Nagar, Birayatan, Rajgir, Police Station- Rajgir in the district of Nalanda. At Present R/o-Mohalla-Golpathar, P.S.-Kotwali, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Government of Bihar, Patna.
4. The Civil Surgeon-cum-Chief Medical Officer, Nalanda.
5. The Additional Chief Medical Officer, Non-communicable Disease, Nalanda at Biharsharif.
6. The Deputy Superintendent, Sub-Divisional Hospital, Rajgir in the district of Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Advocate General

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 06-04-2026

Heard learned counsel appearing for the petitioner
and learned counsel appearing for the State.

2. Learned counsel for the petitioner submits that the present writ petition has been filed for quashing the order contained in Memo No. 3826 dated 27.12.2024, issued under the signature of the Civil Surgeon-cum-Chief Medical Officer, Nalanda, whereby the petitioner has been transferred from Sub-Divisional Hospital, Rajgir to Community Health Centre, Sarmera, Nalanda. The petitioner has also prayed for a direction



to allow him to continue to work as a Male Ward Attendant at Sub-Divisional Hospital, Rajgir.

3. Learned counsel further submits that the petitioner was initially appointed on compassionate grounds against a Class IV post (Sweeper), following the death of his father while in service. Subsequently, his services were adjusted to the post of Male Ward Attendant. It is further submitted that the Health Manager, Primary Health Centre, Rajgir, misbehaved with and abused the petitioner and also threatened to get him transferred. Against such conduct, the petitioner submitted a complaint before the District Magistrate, Nalanda on 24.10.2024. It is further submitted that thereafter the said Health Manager, namely Rajesh Kumar, pressurized the petitioner to withdraw the complaint, which he refused. Consequently, in connivance with the In-charge Deputy Superintendent, Sub-Divisional Hospital, Rajgir, a report was allegedly made against the petitioner to the Civil Surgeon-cum-Chief Medical Officer, Nalanda.

4. It is further submitted that the petitioner again filed a complaint before the District Magistrate, Nalanda on 19.12.2024. Thereafter, the Civil Surgeon authorized the ACMO, Nalanda to conduct an enquiry. Following the enquiry,



the petitioner was transferred from Sub-Divisional Hospital, Rajgir to Community Health Centre, Sarmera within a period of three years, allegedly in violation of the Government guidelines, without affording any opportunity of hearing and without proper enquiry into the veracity of the allegations. Learned counsel for the petitioner further submits that as per the circular contained in Memo No. 4651 dated 25.04.1984 issued by the Personnel and Administrative Reforms Department, Government of Bihar, Class IV employees cannot be transferred from one place to another without their consent, except under special administrative circumstances.

5. It is also submitted that the petitioner's mother is about 80 years old, suffering from illness, and there is no other male member in the family to take care of her. It is further submitted that Sarmera is situated at a distance of about 60 kilometers from Rajgir. Accordingly, the petitioner has prayed for setting aside the impugned transfer order and for permitting him to continue at Sub-Divisional Hospital, Rajgir.

6. On the other hand, learned counsel for the State submits that, as stated in the counter affidavit, upon the complaint of the petitioner, an enquiry team was constituted and a joint enquiry report was submitted. As per the report, during



O.P.D. hours, the petitioner was directed by the Manager, Primary Health Centre, Rajgir, Nalanda, to hand over the indoor register to the concerned doctor, but he refused to comply. It is stated that due to such refusal, the Block Health Manager used inappropriate language. The enquiry team, on the basis of statements of health employees, found that while there was a hot exchange of words between the petitioner and the Block Health Manager, no witness confirmed the use of abusive language. The enquiry report concluded that the petitioner's refusal to obey instructions indicated irresponsibility and dereliction of duty, and recommended appropriate action against both the petitioner and the concerned Health Manager.

7. It is further submitted that the said joint enquiry report was communicated to the In-charge Officer, District Confidential Cell, Nalanda for necessary action vide Letter No. 3766 dated 23.12.2024. Thereafter, the petitioner was transferred from Sub-Divisional Hospital, Rajgir to Community Health Centre, Sarmera.

8. Upon perusal of the relevant government circular regarding transfer of Class IV employees, it appears that transfer is ordinarily not permissible without consent, except in cases involving special administrative reasons. This Court, having



considered the pleadings and submissions, is of the view that where an employee disobeys the directions of his immediate superior, resulting in disruption of public work, the same constitutes a valid administrative reason warranting transfer.

9. In view of the aforesaid facts and circumstances, this Court is not inclined to interfere with the impugned transfer order. Accordingly, the writ petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	06/04/2026
Transmission Date	NA

