

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5228 of 2026

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Prem Sagar Chaudhary @ Dr. Prem Sagar Chaudhary S/o Shree Sheo Shankar Prasad Chaudhary, R/o - Nehaluchak, Gondapur, P.S.- Nawada, District-Nawada- 805110.

... .. Petitioner/s

Versus

1. The State of Bihar Represented through the Additional Chief Secretary, Department of Health, Bihar.
2. The Deputy Secretary, Department of Health, Bihar, Patna.
3. The Civil Surgeon -Cum- Chief Medical Officer, Nalanda, Bihar.
4. The In charge Medical Officer, Community Health Centre, Giriyak, Nalanda, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari, Advocate
For the Respondent/s : Mr. Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-04-2026 Heard learned counsel appearing for the petitioner and

learned counsel appearing for the State.

2. The present writ petition has been filed for setting aside the impugned order dated 07.03.2026 passed by respondent no. 3, namely, the Civil Surgeon-cum-Chief Medical Officer, Nalanda, Bihar, whereby and whereunder the petitioner has been directed to be sent back to his original place of posting at Sub-Divisional Hospital, Rajgir, District Nalanda. The petitioner has further prayed for stay of the operation and implementation of the aforesaid impugned order dated 07.03.2026 during the pendency of the present writ petition. It is



also prayed that the petitioner be allowed to continue at his present place of posting and be treated as continuing in service at the said place until a lawful decision is taken by the competent authority in accordance with law. The petitioner has further sought a direction upon respondent no. 3 to produce the action taken report on the petitioner's application dated 07.03.2026.

3. Learned counsel for the petitioner submits that Annexure P/1 is in favour of the petitioner, whereby deputation of doctors in respective districts by the District Magistrate/Civil Surgeon/other officers was cancelled with immediate effect by the Secretary, Department of Health, Government of Bihar. By the said letter, it was further directed to all Civil Surgeon-cum-Chief Medical Officers, Bihar, that in case of any special circumstances requiring deputation of a doctor, a proposal indicating reasons be sent to the Government for appropriate decision. It was also specifically directed that no doctor shall be deputed in future without prior approval of the Government.

4. Learned counsel further submits that the petitioner was transferred on 30.06.2022 vide Memo No. 884(2), but subsequently, he has been directed to join his original place of posting from where he was transferred, vide Memo No. 719



dated 07.03.2026, as contained in Annexure P/3.

5. Learned counsel for the State opposes the prayer of the petitioner and submits that the petitioner was transferred by order dated 30.06.2022, and the impugned communication does not relate to deputation. It is contended that Annexure P/1 to the writ petition has no application to the case of the petitioner, as he was not on deputation.

6. Upon perusal of Annexures P/1 and P/3 of the writ petition, it transpires to this Court that Annexure P/3, i.e., Memo No. 719 dated 07.03.2026, does not pertain to deputation. Accordingly, Annexure P/1 does not advance the case of the petitioner in any manner.

7. In view of the aforesaid, this Court finds no merit in the present writ petition, and the same stands dismissed.

8. However, the petitioner is directed to comply with the direction contained in Annexure P/3 to the writ petition at the earliest.

(Dr. Anshuman, J)

Ashwini/-

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