

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6718 of 2026

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Sarvila Kumari W/o Lakshmi Narayan Sudhanshu Resident of Village-
Sakarpura, P.S.- Nagar Nausa, District- Nalanda, at present posted as G.N.M.,
Community Health Centre (C.H.C.), Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
3. The Director-in- Chief, Health Services, Government of Bihar, Patna.
4. The Regional Deputy Director, Health Dept., Government of Bihar, Patna.
5. The District Magistrate, Sitamarhi.
6. The Civil Surgeon, Sitamarhi.
7. The Incharge Medical Officer, Community Health Centre, Sursand, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Rajeev Kumar, Advocate
For the State	:	Mr. Nadeem Seraj, G.P.5
		Ms. Shalini, A.C. to G.P.5

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 04-05-2026

Heard the learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for the
following reliefs:

“I. For a direction upon the
respondents No.2 and 3 for taking action against the
Incharge Medical officer, C.H.C. (Community
Health Centre) Sursand, Sitamarhi (Respondent
No.7) for his illegal action and harassment i.e.
mental and physical torture to the petitioner who is
posted as G.N.M., C.H.C. Sursand, Sitamarhi.



II. For a direction upon the concerned respondents either to transfer the Incharge Medical Officer (Respondent No.7) or the petitioner from the present place of posting and not within the jurisdiction of Respondent No.7.”

3. The brief facts, giving rise to the present writ petition, are that the petitioner was appointed as a General Nursing and Midwifery (G.N.M.) and was subsequently posted at Community Health Centre, Sursand, Sitamarhi and is working there since 2020. Although, the petitioner was performing her duty very sincerely and even during the period Covid-19, she performed her duties to the satisfaction of the authorities concerned, however the In-charge Medical Officer, Sursand started harassing the petitioner. He deducted her salary and stopped her increment. The petitioner filed a representation on 06.11.2021 before the In-charge Medical Officer, C.H.C., Sursand for deduction of salary and stoppage of increment. Subsequently, the petitioner was sent on deputation in the dispensary of the C.J.M. court, Dumra at Sitamarhi for three years in 2022. She gave her joining and started working there. During the said period, no adverse remark was recorded against the petitioner and after completion of her deputation, she was remitted back to the C.H.C., Sursand in the month of February, 2025. It is the case of the petitioner that the In-charge Medical



Officer, Sursand, who is posted there since long, started harassing the petitioner in different ways and when she raised the issue, a false criminal case has been lodged against her and her husband on 27.08.2025, by the In-charge Medical Officer, Sursand. She was also transferred to the Additional Primary Health Centre, Pathanpura against the government guideline as there was no post of G.N.M. at Pathanpura. The petitioner also filed a detailed representation on 07.11.2025 before the Civil Surgeon, Sitamarhi on 07.11.2025 for redressal of her grievance. When no action was taken by the Civil Surgeon, Sitamarhi, she again filed a representation on 12.01.2026 before the Additional Secretary, Health Department, Government of Bihar, Patna for taking proper action, as she is unnecessarily being harassed by the In-charge Medical Officer, Sursand, but no action has been taken by the authorities concerned. The petitioner is facing day to day problem in discharging her duty.

4. The learned counsel for the petitioner submits that the petitioner has been compelled to approach this Hon'ble Court due to callous and indifferent attitude and arbitrary action on the part of the respondents, particularly the respondents no.2 and 3, since, although the entire action taken by respondent no.7 is against the norms of fair play and justice, even then they are



sitting tight over the matter. The petitioner is being unnecessarily harassed by the respondents no.7, i.e., the In-charge Medical Officer, Community Health Centre, Sursand, Sitamarhi.

5. *Per contra*, the learned counsel appearing on behalf of the State submits that apart from the representations filed by the petitioner, not even a single chit of paper has been brought on record with regard to any discrimination or any action, contrary to law being taken by the respondent authorities, particularly the In-charge Medical Officer, C.H.C., Sursand. The petitioner has not even brought on record the documents related to her appointment, transfer, the First Information Report or deduction of the increment at the level of the respondent no.7, to suggest that she is being repeatedly harassed by the respondent no.7.

6. Having heard the learned counsel for the parties, this Court finds that no chit of paper has been brought on record by the petitioner with regard to any action taken by the respondent no.7 or any of the authorities of the department which are against the principles of natural justice and fair play. It further appears that the petitioner has only filed some representations before the respondent no.7 and other respondent



authorities, ventilating her grievances and the said representations are said to be pending before the respondent authorities, as per assertion made in the writ petition. The Hon’ble Supreme Court of India has held that mere filing of the representation does not entitle a person to approach the Hon’ble Court under Article 226 of the Constitution of India. Further the High Court under Article 226 of the Constitution of India cannot direct for transfer of any person in a routine manner, since it is the prerogative of the employer and the decision has to be taken at the level of the employer. Accordingly, the writ petition is disposed of with a liberty to the petitioner to ventilate her grievance before the respondent authorities. The respondent authorities are obliged to consider the representation of the petitioner, if the allegations levelled against the respondent no.7 are found to be true.

7. Accordingly, the instant writ petition is disposed of.

(Ritesh Kumar, J.)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2026
Transmission Date	NA

