

Shanti Kumari

Vs

Regional Deputy Director, Health Services, Patna Division, Patna and Others

Civil Appeal No. 2797 of 1980

(A.P. Sen, E.S. Venkataramiah JJ)

08.01.1981

JUDGMENT

1. This appeal by special leave is directed against an order of the Patna High Court dated February 4, 1980 dismissing the writ petition filed by the appellant, who was posted as Auxiliary Nurse Midwife at Bowstead Zanana Hospital at Barh, in Limini, by which she had challenged impugned order of the Regional Deputy Director of Health Services, Patna Division, Patana dated January 13, 1979 transferring her from barh to the urban Family Welfare Centre of the sub-Divisional Hospital, Danapur. The High Court, however, while declining to interfere, directed the appellant to file a representation to the State Government for her transfer to a place in her home district, except Barh and that if such representation was filed, it should be considered by the State Government.

2. Having heard learned counsel for the parties, we are of the opinion that the High Court rightly declined to interfere with the impugned order. Transfer of a Government servant may be due to exigencies of service or due to administrative reasons. The courts cannot interfere in such matters. Shri Grover, learned counsel for the appellant, however, contends that the impugned order was in breach of the Government instructions with regard to transfers in the Health Department. If that be so, the authorities will look into the matter and redress the grievance of the appellant.

3. Shri Goburdhun, appearing on behalf of the respondents, makes a statement that he would recommend to the State Government that the appellant should be posted as an Auxiliary Nurse midwife in her home district, except Barh. We hope and trust that the State Government will sympathetically deal with the representation to the advice of their counsel.

4. We understand that the appellant by virtue of the ad interim order dated November 25, 1980 is still continuing in her present post at barh. She may be allowed to continue in that post until she is given the posting order.

5. Subject to these observations, the appeal fails and is dismissed, There shall be no order as to costs.

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