

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13082 of 2012

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1. Dr. Vijay Kumar Prasad Son Of Sri Ram Ekbal Prasad Resident Of Village - Manjhagarh Langtuhata, P.O.- Garh Manjha, P.S. - Manjhigarh, District - Gopalganj (Bihar) Presently Working And Posted As Aysuh Ayurvedic Doctor Under Civil Surgeon-Cum-Member Secretary, District Health Society, Madhubani (Bihar)

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Health-Cum-Executive Director, State Health Society, Bihar, Patna

2. The Secretary, Health-Cum-Executive Director, State Health Society, Bihar, Patna

3. The District Magistrate-Cum-Chairman, District Health Society, Madhubani (Bihar)

4. The Divisional Deputy Director, Health Services, Bihar , Patna (Bihar)

5. The Civil Surgeon-Cum-Member Secretary, District Health Society, Madhubani (Bihar)

6. The State Health Society Through The Executive Director, Parivak Kalyan Bhawan, Patna - 800004

7. The District Desi Medical Officer-Cum-District Programme Officer, District Health Society, Madhubani (Bihar)

8. The In-Charge Medical Officer, Primary Health Centre, Gaura, Bauram, Darbhanga (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Munna Prasad Dixit (M.P.

For the Respondent/s : Mr. Prasoon Sinha Ga2

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CORAM: HONOURABLE MR. JUSTICE NAVIN SINHA
ORAL ORDER

2 31-07-2012 Heard learned counsel for the petitioner and the respondents.

The relief sought in the writ application is to consider the representation of the petitioner for posting at Gopalganj where his wife is also working as a Panchayat Teacher in stead of posting him at Darbhanga. While the petitioner may not have a vested right to seek a posting at a



place where his wife is working, but if the respondents have issued administrative circulars for considering such requests to the extent possible, the representation of the petitioner is required to be considered in accordance with law even if it is not an indefeasible right.

Keeping in mind that the jurisdiction of the respondents on such a request is discretionary, the Court is satisfied to direct that if a power is discretionary all the more reason that it is required to be exercised with great caution and that reasons are clearly spelt out for the manner in which the discretionary power is to be exercised, especially if the order is to be to the prejudice of the person representing.

Let the representation of the petitioner be disposed in the aforesaid manner by a reasoned and speaking order preferably within a maximum period of two months from the date of receipt/production of a copy of this order.

The application stands disposed.

(Navin Sinha, J)

K.C.jha/-