
(2011) 11 KAR CK 0011

In the Karnataka High Court

Case No : Writ Petition No. 40449 of 2011 (S-KAT)

Dr. D. Girijamba

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 02-11-2011

Acts Referred:

Citation : (2011) 11 KAR CK 0011

Hon'ble Judges : K.L. Manjunath, J;B. Manohar, J

Bench : Division Bench

Advocate : B.B. Bajentri, for the Appellant; Revathy Adinath Narde, HCGP, for the Respondent

Judgement

Manjunath, J.—Grievance of the petitioner before this court is that her daughter is suffering from Aplastic Anemia with left sided Hemispherisis since August, 2008. She was posted as Senior Specialist at Mysore on deputation. Her daughter is taking treatment at BGS Apollo Hospital, Mysore. The doctors have opined that there is every chance of the child going for Massive Depression Syndrome of bone marrow or Acute Myeloid Leukemia (Blood Cancer). The Government has withdrawn her deputation from Mysore by its order dated 5.8.2011. Accordingly, she has reported on 21.9.2011 at the Directorate Office at Bangalore. She was required to attend counseling in order to the place of posting. When she attended for counseling only two places were available one at Karwar and another at Chitradurga. In the circumstances, she has opted Chitradurga and thereafter she filed an application before the tribunal stating that the transfer order would cause hardship to her as she is unable to get proper treatment to her daughter Samitha. The tribunal admitting the application has not granted interim order of stay of transfer and further it is held that the order of transfer would be subject to the result of the application. This order is called in question in this petition.

2. When the petitioner's daughter is suffering from acute disease which may lead to Massive Depression Syndrome of bone marrow or Acute Myeloid Leukemia or blood cancer, it is for the Government to consider the case of the

petitioner as a special case to see that she is given a posting where proper medical care is available to her daughter. Govt. Advocate submits that petitioner is working as senior specialist (TB & Chest Diseases) and she cannot be posted to any other posting other than as a senior specialist. But considering the peculiar circumstances of the case, we are of the view that the Government shall find a place to see that petitioner's daughter is given proper medical treatment.

3. In the circumstances, this petition is disposed of. Respondents are directed to find out a place and post the petitioner to the place where she can get proper treatment to her daughter or to the nearest place where she can get treatment to her daughter. This order shall be complied with within 2 weeks from today.

It is needless to state that this order shall not be treated as a precedent in other cases as we have passed this order under peculiar circumstances considering the illness of the petitioner's daughter.