

(2001) 04 PAT CK 0071
In the Patna High Court
Case No : C.WJ.C. No"s. 4036 of 1999

Ram Prakash Kushwaha

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 03-04-2001

Acts Referred:

Citation : (2001) 2 PLJR 392

Hon'ble Judges : Ravi S. Dhavan, C.J;Shashank Kr. Singh, J

Bench : Division Bench

Judgement

1. On 30 June 2000, in this matter filed in 1999, the State Government was itself presenting its scheme on the transfers and postings of State doctors. It was indicated to the court that such of those State doctors, who have been on their postings for (a) more than ten years (b) more than eight years and (c) more than six years will be posted out to other districts. It has taken the State Government nine months to carry out its plan. For instance, anybody who was to be posted out having been there at his present posting for six years as of now and today has been there for seven years. Thus, for every plan indicated to transfer the doctors in the series ten years, eight years and six years, it may be read as eleven years, nine years and seven years. Today, a list of doctors, who have been at their place of posting for six years or for seven years, has been placed before the Court. In the last column of the place of posting of the list the information has been left blank at many places. The posting orders, as contemplated has one glaring aspect, which is to be seen from the list presented today. The postings have been made from one place to a neighboring district. In some cases from one district to another on the other side of the Ganges. Such are the contents of the postings and transfer orders.

2. The exercise which was being indicated to the court was by the State of Bihar, as a scheme of the Government presented on 30 June 2000. The Court had expressed apprehensions that the State doctors will be polarised to a particular district for decades and may affect public planning. In so far as the health

services is concerned now it is not fiction as even the media has reported that the funds, which were released by the Government of India between the fifth and the ninth five year plan periods, the State Health department does not even have any trace of the huge amount of funds released by the Government of India and it also does not have any clue as to where the plan allocation may have been made. One such report is in "The Times of India" of 30 March, 2001.

3. Thus, on record, today's position is that there is only a list of place of postings of the doctors who have remained at one place for more than six years and perhaps seven years, and the court is afraid that an unusually long time cannot be given for the remainder postings. Let a list be given to the High Court of such of those doctors, who have remained on their posting for more than four years as of 31 March 2001, on the next date. List after a fortnight.