

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.17647 of 2025****Date of Decision: 25.11.2025****Dr. Jitender Kumar****.....Petitioner****Versus****State of Himachal Pradesh & Anr.****.....Respondents****Coram****Hon'ble Mr. Justice Sandeep Sharma, Judge.****Whether approved for reporting?****For the Petitioner:** Mr. Anuj Bali, Advocate.**For the respondents:** Mr. Vishal Panwar, Additional Advocate General with Mr. Ravi Chauhan, Deputy Advocate General, for the respondents-State.**Sandeep Sharma, J.** *(Oral)*

Petitioner herein, who at present is working as Medical Officer (Dental), is aggrieved by order dated 31.10.2025 (Annexure P-2), passed upon the representation filed by him in terms of order dated 08.10.2025, passed by this Court in CWP No.9809 of 2025, titled as Dr. ***Jitender Kumar Vs. State of H.P. and Others***, whereby prayer made on behalf of the petitioner for adjusting him at SLBS Government Medical College, Ner Chowk, Mandi and BBMB Hospital Sundernagar, District Mandi, has been rejected on the ground that there is no vacant post of Medical Officer (Dental) in Medical College at Ner Chowk, and no request, if any, has been received for filling up the post of Medical Officer (Dental) on secondment basis.



2. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by learned counsel representing the petitioner is that respondents, while considering the representation filed by the petitioner, failed to take note of the fact that petitioner was not permitted to complete his normal tenure of posting at CHC Gagai, District Mandi, Himachal Pradesh.

3. Careful perusal of order dated 08.10.2025 (Annexure P-3) passed by this Court in CWP No.9809 of 2025 reveals that though this Court was of the view that order dated 13.06.2025 (Annexure P-1) needs to be interfered with, but taking note of illness of the private respondent, petition was disposed of with a direction to the respondents to consider and decide the representation of the petitioner, praying therein for adjustment at a convenient station, however, fact remains that respondents rejected the representation of the petitioner on the grounds, as detailed hereinabove.

4. During proceedings of the case, this Court came to be apprised that one Dr. Sanjeev Malhotra has been working at SLBS Government Medical College, Ner Chowk, Mandi, for the last seven years and as such, this Court, vide order dated



13.11.2025, called learned Additional Advocate General to have instructions.

5. Pursuant to afore directions, learned Additional Advocate General has placed on record communication dated 17.11.2025 issued by Special Secretary (Health) to the Government of Himachal Pradesh, to state that afore person has been transferred from said station to PHC Badi Dhar, District Mandi, but since no post of Medical Officer (Dental) is available at SLBS Government Medical College, Ner Chowk, District Mandi, Himachal Pradesh, there is no occasion, if any, for the respondents to transfer the petitioner to that station.

6. At this stage, learned counsel for the petitioner, states that one post of MO (Dental) is lying vacant at CHC Jachh, Block Bagsaid, District Mandi, where petitioner can be posted. Since petitioner has been transferred from CHC Gagat, District Mandi to Civil Hospital Kotli, District Mandi within short span of time, this Court, without interfering in the impugned transfer order, deems it fit to dispose of the present petition reserving liberty to the petitioner to file representation to the competent authority within one week for his adjustment/transfer at CHC Jachh, Block Bagsaid, District Mandi, which is stated to be lying vacant,



which shall be decided by the competent authority expeditiously, preferably within ten days. Ordered accordingly. Needless to say, authority concerned, while doing the needful in terms of instant order, shall afford an opportunity of being heard to the petitioner and pass appropriate orders taking note of observations made hereinabove. Pending application(s), if any, stand disposed of.

November 25, 2025

(sunil)

**(Sandeep Sharma),
Judge**