

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2707 of 2015

1. Binod Kumar S/o Late Ram Prasad Ram R/o Infection Disease Hospital,
P.O. Chand Chaura, Gaya, P.S. Civil Lines, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Divisional Commissioner, Magadh Division, Gaya
3. District Magistrate - cum - Collector, Gaya null null
4. Regional Deputy Director, Health Services, Magadh Division, Gaya
5. Civil Surgeon - Cum - Chief Medical officer, Gaya
6. Medical officer, In Charge, Primary Health Centre, Paraiya, Gaya
7. Medical officer, In - Charge, Primary Health Centre, Tekari, Gaya

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ojha

For the Respondent/s : Mr. Aag10- P.N.Shahi

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI
ORAL ORDER**

2 16-02-2015 The plea that some body junior to the petitioner has been given promotion on Class-III post and therefore discrimination has been made, seems to be misplaced, because such an order has been annulled by the Civil Surgeon-cum-Chief Medical Officer, Gaya- vide Annexure-8 dated 28-10-2014. It is another issue that in a writ petition filed by the said person, that order has been kept in abeyance, and the last word is not coming on such promotion. The case of discrimination, therefore, is not made out.

However, if the respondent-authorities in terms of the rules

which lay down the procedure for grant promotion from Class IV post to Class-III post, are required to be implemented for which there is a reflection in the communication of the Regional Deputy Director, Health Services, Magadh Division, Gaya in his letter dated 10-11-2014, the claim of the petitioner shall also be considered along with other eligible candidates. No case for giving direction for promotion to the petitioner is made out at this stage.

The writ application is dismissed otherwise.

(Ajay Kumar Tripathi, J)

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