

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16152 of 2010

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1. Dr. Pradip Kumar Mehta S/O Mohan Lal Mehta R/O Vill.- Tareha, P.S.- Bhargama, Distt.- Araria, At Present Shardha Hanueo Clinic, Ohm Market, Jagdeo Patha, P.S.- Gardanibagh, Distt.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary Bihar, Patna
2. The Commissioner-Cum-Principal Secretary Department Of Health, Government Of Bihar, Patna
3. The Director-In-Chief Health Services, Government Of Bihar, Patna
4. The Director, Desi Chikitsa Health Department, Bihar, Patna
5. The Dy. Director (Homeopathic)-Cum-Nodal Officer Department Of Health, Bihar, Patna
6. The Director, State Health Society, Bihar, Patna
7. The Executive Director, State Health Society, Bihar, Pariwar Kalyan Bhawan, Seikhpura, Patna-14
8. Officer-On-Special Duty Ayush Cell, I.A.S. Association Building, Near Aerodrum, Patna-14
9. Dr. S.S. Singh, Dy. Director-Cum-Nodal Officer Health Department, Bihar, Patna
10. Dr. Ramesh Prasad, Lecturer Government Ayurvedic College, Kadam Kuan, Patna-3 - Cum - Member, Eligibility Verification Committee, Ayush (Homeopath) Doctors
11. Dr. Md. Sabil Ali, Reader Government Tibbi College, Kadam Kuan, Patna-3 - Cum - Member, Eligibility Verification Committee, Ayush (Homeopath) Doctors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. MANOJ KUMAR SINGH

For the Respondent/s : Mr. (AAG-6)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 19-01-2015

Heard Counsel for the petitioner and A.C. to A.A.G.-VI
for the State. A supplementary affidavit has been filed on behalf of the
petitioner.

Counsel for the petitioner has submitted that in the light of
the order passed in C.W.J.C. No. 23052 of 2012 and analogous writ



petition, the Executive Director of the State Health Society, Bihar passed an order (Annexure-15) whereby service of altogether 16 doctors who were earlier engaged as Ayush Ayurvedic Chikitshak and Ayush Homeopathic Chikitshak in different categories have been dispensed with and the petitioner was found entitled to be appointed as Ayush Homeopathic Chikitshak in BC category. In the light of the said order passed by the Executive Director of State Health Society, Araria, the Civil Surgeon-cum-Member Secretary of the District Health Society, Araria has passed an order dated 18.6.2014 whereby upon removal of 03 doctors posted in the said district, the petitioner has been directed to join on the post of Ayush Homeopathic Chikitshak, Bhargama. It has thus been submitted that the grievance of the petitioner has been redressed inasmuch as he has joined on the post assigned to the petitioner vide Annexure-16. The only grievance of the petitioner is that by virtue of such dis-engagement of the doctors who were earlier illegally retained/appointed and the petitioner having been appointed against one of such posts, he should be granted the seniority at par with those who were earlier appointed on the said post which was found illegal by the Society. In the submission of the petitioner, he should be treated to have been engaged in the same transaction of appointment. The petitioner may not be entitled to salary but surely, he would be entitled to the

seniority position as per the merit position prepared by the State Health Society, Bihar in the year 2010.

If that be so, the petitioner would be entitled to the position as appearing in the merit list, if any, prepared by the State Health Society, Bihar. However, since no specific reply in this regard has been filed by the State Health Society or the Government in the Department of Health, I would direct the petitioner to make a representation in this regard before the Executive Director of the State Health Society within four weeks whereafter he will pass appropriate orders thereon as quickly as possible preferably within one month of such filing.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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