

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7500 of 2016

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1. Dr. Hemant Kumar, aged about 56 years, s/o Shri Shiveshwar Prasad, resident of West Patel Nagar, Adarsh Colony, Nandini Path, Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Health, Government of Bihar, Patna
3. The Joint Secretary, Department of Health, Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Raj Kumar
Mr. Praveen Kumar
Mr Ankit Katriar

For the Respondent/s : Mr. Ajoy Kumar Singh, AC to SC 2

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-07-2016

Petitioner had approached the High Court earlier in CWJC No.5322 of 2015 to award him appropriate number of marks with regard to the 1993 panel created on the post of a Registrar and thereafter correct his seniority now on the post of an Associate Professor in Paediatrics vis- a- vis one Dr K.N.Mishra.

The matter was heard out and vide order dated 22.4.2015 without expressing any opinion on the merit of such assertion, the Court directed the Principal Secretary, Health to take a decision on the grievance of the petitioner. It is the rejection of such prayer by virtue of Annexure- 11, dated 17.2.2016 that the petitioner is back before the Court through the present writ application.

Petitioner wants quashing of this order and again his effort is to beget the relief, which has been illusory for him for many a decades.

From a reading of the reasoned order it is evident that the objection of the petitioner was entertained by the Department at the relevant time. At that point of time, the petitioner had targeted some other colleagues, whose names figure in the speaking order. The petitioner had nowhere mentioned the name of Dr. K.N.Mishra, who has suddenly appeared on the radar screen of the petitioner now because he seems to be the closest bait or target, which he perceives he can demolish, through his effort.

The Court has gone through the speaking order contained in Annexure-11. It traces the history of such grievance of the petitioner and has come to a considered opinion that there is no case for any kind of interference on a perceived non-grant of some marks for a panel which was prepared in the year 1993 i.e. 23 years ago.

The Court, therefore, will not interfere with Annexure-11 not only for the reason that the decision so taken does not suffer from any vice or arbitrariness but also the fact that settled positions, which are in place for more than two decades, cannot be unsettled at the asking of the petitioner whatever be his reason or motive at this juncture.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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