

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3517 of 2012

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1. Union of India through the Secretary, Railway Board, Rail Bhawan, New Delhi
 2. The General Manager, East Central Railway, Hajipur
 3. The General Manager (P), East Central Railway, Hajipur
 4. The Chief Medical Director, East Central Railway, Hajipur
 5. The Chief Medical Superintendent, East Central Railway, Dhanbad
 6. The Medical Superintendent, East Central Railway, Gaya
 7. The Deputy Chief Personnel Officer (G), East Central Railway, Hajipur

.... Petitioner/s

Versus

1. Dr. Smt. Kunoo Kumari Chaurasia, W/O Dr. Ranbir Chaudhary, S.O. Shri G.N. Chaurasia, Manorma House, Police Line, Near Hill Side, P.O. Gaya, District - Gaya
2. Dr. Om Prakash Singh, S/O Late Dr. Rana Rajendra Singh, R/O Chandwari, Motihari, P.O. & P.S. Motihari, Distt.- East Champaran
3. Dr. Sunil Kumar Chaudhary, S/O Late Harihar Charan Chaudhary, R/O Village Sonebarsa, P.O. & P.S. Karakata, District - Rohtas
4. The Union Public Service Commission through the Secretary, Dholpur House, Shahjahan Marg, New Delhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kr. Sinha, Sr. Advocate
Mr. Abhinay Raj, Advocate
For Respondents 1 to 3 : Mr. Gautam Bose, Sr. Advocate
For Respondent 4 : Mr. Kaushal Kr. Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 20-06-2016

Sri Kaushal Kumar Jha appears for respondent

No. 4, Union Public Service Commission and accepts notice. No fresh notice need be served. Sri Gautam Bose, Senior Counsel appears on behalf of respondent Nos. 1 to 3 and submits that the dispute in the present case was with regard to respondent Nos. 1, 2



and 3 who had been recruited as ad hoc doctors in the Railways, as in spite of three attempts they could not clear the stage, for being made permanent doctors. They continued as ad hoc doctors. When they were threatened with removal they had approached the Tribunal which directed that they be considered to be continued as ad hoc doctors though they could not be confirmed as permanent doctors. They could be posted anywhere in India.

Railways through Sri D.K. Sinha, learned Senior Counsel duly assisted by Sri Abhinay Raj contend that as they had failed to qualify for permanent appointment they were to be replaced by duly selected doctors through U.P.S.C., as would be apparent from the order dated 05.02.2015 passed in this case by this Court.

Sri Gautam Bose, learned Senior Counsel had conceded that if they were being replaced by the doctors duly selected and recommended by U.P.S.C. they could not continue but today he submits that, that did not happen. They continued to work as ad hoc doctors and all the three i.e. respondent Nos. 1, 2 and 3 have since superannuated as such. He, accordingly, submits that now the dispute is purely academic as they have already superannuated. The question of continuance or other does not arise, even the ad hoc arrangement has come to an end. No lis survives for

decision.

In view of the aforesaid facts, we are not inclined to continue with this litigation any more. This writ petition, thus, stands disposed of.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	23/06/2016
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