

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5133 of 2013

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Krishna Kumar Jaiswal S/O Late Bhola Bhagat H/O Sri Gauri Shankar
Chaudhary, Ashram Tola Bari Nagar, P.O.- Guru Bazar, P.S.- Barari,
District- Katihar

.... Petitioner/s

Versus

1. The State Of Bihar
2. Secretary Department Of Health, New Secretariat, Patna
3. Director-In-Chief Department Of Health, New Secretariat, Patna
4. Civil Surgeon, Katihar, District- Katihar
5. In-Charge Medical Officer Referral Hospital, Barari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No.1

For the Respondent/s : Mr.Rajesh Kumar A.C. to A.A.G.3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 07-04-2016 Heard counsel for the petitioner and counsel for the

State.

In this case the petitioner is claiming promotion from Class-IV to Class-III in the Health Department. As it has been submitted that the petitioner has been discharging the duty in Class- IV for a long time but he has been deprived of promotion to the Class-III though he has necessary qualification for promotion to Class –III.

As it appears from counter affidavit that the matter of promotion of the petitioner and others was kept in abeyance on account of pendency of the writ application bearing C.W.J.C. No.19114 of 2012: Sushil Kumar Singh Vrs. The State of Bihar

and others. As the case has already been disposed of by a Single Bench as well as by the Division Bench of this Court, in L.P.A. the matter is pending before the Apex Court. But there is no stay. In such view of the matter, there is no embargo in consideration of the case of the petitioner for promotion.

Counsel for the petitioner has placed reliance on letter dated 07.01.1988 issued by the Civil Surgeon-cum-Chief Medical Officer, Katihar and the Resolution of the Finance Department dated 31.03.2011 which provides promotion to Class-III post from Class-IV post wherein it has been contemplated that Class-IV employee will be promoted to Class-III post subject to the condition of having necessary qualification for promotion, and also he placed reliance on letter dated 23.05.2011 issued by the Director –in-Chief, Health Services, Bihar, Patna addressed to the different Deputy Directors wherein it has been contemplated that those who are possessing qualification of Class-X are entitled to the promotion to Class-III post.

As there is no ban in consideration of promotion to the Class-III post, let the respondent authority should consider the case of the petitioner and, if it is found that he possesses the requisite qualification and is fit for promotion, will take necessary steps within three months from the date of receipt/production of a

copy of this order.

This order will be subject to the result of S.L.P. pending before the Apex Court. But the respondent authority would not await the decision of the Hon’ble Supreme Court.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

AnilKrSinha/-

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