

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24517 of 2013

Chandra Kishore Singh Son Of Late Kali Charan Singh Resident Of Village : -  
Arna, P.S. : - Uchkagaon, District - Gopalganj

.... .... Petitioner/s

Versus

1. The State Of Bihar through the Director In Chief Health Services, Bihar, Patna
2. The Collector of the District Gopalganj
3. The Dy. Collector Establishment, Gopalganj
4. The Civil Surgeon cum Chief Medical Officer, Gopalganj
5. Ashok Kumar Pandey, Assistant in Civil Surgeon Office Gopalganj

.... .... Respondent/s

Appearance :

|                        |                                       |
|------------------------|---------------------------------------|
| For the Petitioner/s : | Mr. DHANANJAY KUMAR                   |
| For respondent no.5    | Mr. Pandit Jee Pandey                 |
| For the State          | Mr. Rishi Raj Sinha, SC 19            |
|                        | Mr. Akhilesh Kumar Sinha, AC to SC 19 |

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL  
ORAL JUDGMENT

Date: 31-08-2016

Heard Mr. Dhananjay Kumar for the petitioner and Mr. Pandit

Jee Pandey for respondent no.5 as well as AC to SC 19 for the State.

Parties have exchanged pleadings.

The petitioner claims himself a citizen of India as well as a member of 20-Point Programme Implementation Committee of Gopalganj district. In that capacity, he has filed the present writ application for a direction upon the respondents to remove respondent no.5 from the post of Clerk in the office of the respondent-Civil Surgeon-cum-Chief Medical Officer, Gopalganj. It is stated that an inquiry in the light of the orders passed by the Court with respect to genuineness of his order of promotion from Class IV to Class III granted by the then Civil Surgeon is still going on. The writ petition prays for taking appropriate

action against respondent no.5 and his removal from said post.

Mr. Pandey appearing for respondent no.5 has strongly disputed several contentions of the petitioner with regard to entry of respondent no.5 into service. He has defended the order granting him promotion as Clerk passed in 1991. It is stated that respondent no.5 was appointed as Class IV employee in 1984. Having acquired eligibility, he was considered on a recommendation of the Establishment Committee and promoted to the post of Clerk way back in 1991. The locus of the petitioner to challenge his entry into service or promotion has seriously been challenged by him. Similar stand is taken by the State respondent(s) while narrating the relevant facts with regard to promotion of respondent no.5. According to the State respondent(s), the promotions was rightly granted to respondent no.5 on the basis of his eligibility as well as the recommendation of the appropriate/competent Body.

On going through the pleadings on record, it is more that evident that no personal injury is caused to the petitioner. It is also not a case where initial entry into service is being challenged on the ground of non compliance of the statutory provision. Such entry of respondent no.5 in service was around 30 years ago. In my view, the petitioner has no locus in the matter to pray for the relief(s), as prayed, in this writ application.

Mr. Kumar, however, submits that in the light of the order passed by a division bench of this Court which was affirmed with modification by the Hon'ble Supreme Court, an enquiry is till going on in respect of promotion made by the then Civil Surgeon of Goapalganj. In this Connection, he has drawn attention of the Court to a proceeding of

the meeting of 20-Point Programme Implementation Committee. If that be so, then the petitioner would be at liberty to pursue his remedy and/or ventilate his grievance before the appropriate authority/forum in accordance with law.

The writ application is dismissed.

**(Kishore Kumar Mandal, J)**

HR/-

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