

**IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1147 of 2015**

In

Civil Writ Jurisdiction Case No. 10461 of 2005

Dr. Dineshwar Prasad

.... Petitioner

Versus

The State of Bihar & Ors

.... Respondents

With

Miscellaneous Jurisdiction Case No.2502 of 2015

IN

Civil Writ Jurisdiction Case No. 11257 of 2005

Dr. Sumeshwar Singh

.... Petitioner

Versus

The State of Bihar, through the Principal Secretary
(Commissioner) namely, Brajesh Mehrota Health Department
Govt. of Bihar & Ors.

.... Respondents

Appearance :

(In MJC No.1147 of 2015)

For the Petitioner/s : Mr. Mrinalini Kumari

For the Respondent/s : Mr. Yogendra Pd. Sinha

(In MJC No.2502 of 2015)

For the Petitioner/s : Mr. Ramadhar Singh

For the Respondent/s : Mr. Yogendra Pd. Sinha

**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER**

8. 10-08-2016

The sickness that prevailed in the Health

Department and in particular in relation to Ayurvedic

Medical Education was finally resolved, hopefully, by

decision of this Court in CWJC No. 10461/2005 and

analogous cases decided on 14.01.2015. This is what

concluded the judgment:

“It would thus now be for the State Government to immediately reconsider all matters of promotion to the post of Reader, Professor and Head of the Institutions in Ayurvedic Colleges accordingly, which should be promptly done in view of the law laid down above by this Court.”

To the Court, an understanding of this is clear. Not only the promotions had to be re-worked out, simultaneously, the question of Head of the Institution had also to be decided.

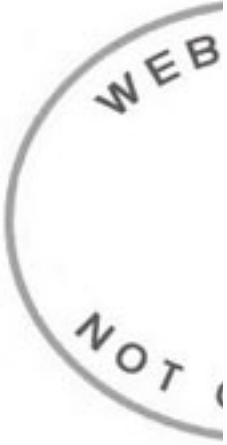
It may be noted that one of the disputes raised by Dr. Dineshwar Prasad that he had been denied his due seniority, in this connection, on 20.07.2016 in these proceedings, a detailed order was recorded to show that how again and again Dr. Dineshwar Prasad had come to this Court to force the government to give him his due seniority. He had complained that having wrongly deprived of his seniority, he was being made to work under a person who was 12 years of his junior and that person was made the Principal of the premier College at Patna. This Court noticed this aspect and upon intervention by this Court, due seniority of the two (2)



were fixed, which would show that Dr. Dineshwar Prasad was given his due post of Professorship w.e.f. 31.07.2000, whereas the Incharge Principal, Dr. Shyam Sundar Gupta became Professor only on 06.06.2012. This shows the malicious attitude of the State where Dr. Dineshwar Prasad was made to work under Dr. Shyam Sundar Gupta, who was 12 years junior to him.

Somehow the contest of Dr. Dineshwar Prasad to get his due seniority challenged the mighty State. The State humiliated him further. What they did was, as they had to decide the Principal-ship of the Colleges upon seniority being restored and to maintain Dr. Shyam Sundar Gupta at the premier Institute i.e. Patna Ayurvedic College, they continued Dr. Shyam Sundar Gupta as Principal of the Patna Ayurvedic College, but transferred Dr. Dineshwar Prasad to Government Ayurvedic College, Begusarai as Principal which college is a defunct college. When this Court expressed its displeasure pointing out that Dr. Dineshwar Prasad was being punished and Dr. Shyam Sundar Gupta was being favoured, another ingenious stroke was played at the Secretariat. While retaining Dr. Dineshwar Prasad

at Begusarai, a defunct College, they also promoted Dr. Vijay Shankar Dubey and posted him as Principal of Patna Ayurvedic College only to humiliate Dr. Dineshwar Prasad once again. The reason is simple. Even Dr. Vijay Shankar Dubey who intervened in these proceedings did not contend that he was senior to Dr. Dineshwar Prasad. The net result is adding salt to the injury. A person much junior to Dr. Dineshwar Prasad has been brought in and made the Principal of the premier Institute at Patna while getting Dr. Dineshwar Prasad in the punishment posting of Principal of a defunct College. This Court does not approve of such manoeuvres being carried out at the level of the Secretariat. It is obvious that all efforts are being made to harass if not humiliate Dr. Dineshwar Prasad for having upsetting the applecart, not only did he successfully expose the sickness and the malady prevailing in the Secretariat. He upset a lot of people who were undesirable of being promoted. Even though they were not qualified for such promotion denying qualified people their right of promotion. All these steps being taken have been noticed in the judgment. All that I can say is, all efforts are being made to frustrate the judgment



in its true letter and spirit.

If there was any bonafide on the part of the State, then, while giving Dr. Dineshwar Prasad his due promotion by making him Principal of the Patna Ayurvedic College, Dr. Vijay Shankar Dubey still being his junior retained in the College as Head of the Department of the Branch to which he belongs but that was also not considered.

In such a situation, I have no option but to direct the Principal Secretary, Department of Health, to appear personally before this Court on 7th September, 2016.

So far as M.J.C. No. 2502/2015 is concerned, that already stands disposed of in view of observation made in the previous order.

(Navaniti Prasad Singh, J.)

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