

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 9262 of 2011**

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Dr. Mridula Roy Chaudhary W/o Dr. Amrendra Roy Chaudhary R/o  
'Dumraon Kothi', Road No. 2, Rajendra Nagar, P.S.- Kadamkuan, Town and  
District- Patna

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of  
Health, Medical Education and Family Welfare, Government of Bihar,  
Patna  
2. The Deputy Secretary, Department of Health, Medical Education and  
Family Welfare, Government of Bihar, Patna

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. R.N.Mukhopadhaya  
For the Respondent/s : Mr. Kumar Priya Ranjan SC-23  
Mr. Mithilesh Pd. Singh, AC to SC - 23

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

3. 06-01-2016 Heard Sri R.N.Mukhopadhaya, learned counsel for the  
petitioner and Sri Kumar Priya Ranjan, learned Standing Counsel  
– 23.

The petitioner, who was functioning as Senior  
Resident in the department of Obstetrics and Gynaecology in  
Nalanda Medical College and Hospital, Patna, has approached this  
Court invoking its writ jurisdiction for following reliefs:-

- (i) **The petitioner prays for direction against part of Notification dated 10.05.2011 bearing Notification No. 453(17) (Annexure 1) and also to quash the advertisement dated 11.12.2009 (Annex. 2) on the basis of which Notification dated 10.05.2011 has been issued, purported to be issued under Rule 2008 of the Health Department, by which Respondents on one hand have**

issued the appointment order of different persons in the post of Senior Resident, in N.M.C.H. Patna, including the post where the petitioner is already functioning as Senior Resident in her stream, in N.M.C.H. and in other hand debarring the petitioner to complete the contract period as well as tenure period of 4 years, to the post of Senior Resident in "Obstetrics – Gynaecology".

- (ii) The petitioner further prays for the direction on the respondents to consider her case for regularization/absorption in the teaching cadre, in terms of the rule, to the post of Senior Resident, against which she has been duly selected after following the due procedure/process and is working for considerable long periods.
- (iii) The petitioner also prays to provide all the benefits of the teaching experience in the teaching cadre, by also counting the contract period, after allowing her to complete the period of the tenure of 3 / 4 years, in which the petitioner has already obtained over 2 years experience, against the post of Senior Resident.

At the very outset, Sri Mukhopadhaya, learned counsel for the petitioner submits that during the pendency of the writ petition, the grievance made in the first part of the prayer portion has already been redressed. The petitioner now only claims that direction may be given to the respondents to regularize her service, in terms of new rule, which has been framed in the year 2008, as Senior Resident/Tutor of Bihar Medical Education Service Cadre Recruitment, Appointment and Promotion Rules,

2008. It has been claimed that the petitioner had earlier filed representation, vide Annexure – 19 to the writ petition before the Principal Secretary of the Department of Health, however; till date, no decision has been taken.

In view of the facts and circumstances, particularly; the fact that first relief has already been granted to the petitioner during the pendency of the writ petition, the Court proposes to dispose the writ petition granting liberty to the petitioner to file a detailed representation in respect of other relief before the Principal Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Bihar (Respondent no. 1). If such representation is filed within a period of eight weeks from today, the Court expects that respondent no. 1 may examine the same and pass appropriate order in accordance with law, preferably within a period of three months thereafter.

The writ petition stands disposed of.

**(Rakesh Kumar, J.)**

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