

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.108 of 2017

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1. Bhim Kumar Son of Sri Sukhdeo Singh Resident of Village - Teyar, P.O. Teyar,
P.S. Akbarpur, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Dept. Bihar, Patna.
2. The Director-in-Chief, Health Services, Bihar, Patna.
3. The Regional Additional Director, Health Services, Magadh Division, Gaya, Bihar.
4. The Regional Deputy Director, Health Services, Magadh Division, Gaya, Bihar.
5. The Civil Surgeon cum Chief Medical Officer, Nawada, Bihar.
6. The In-Charge Medical Officer, Nawada, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shree Kant Pandey, Adv.

For the Respondent/s : Mr. Ajay Behari Sinha-GA8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 08-09-2017

Heard learned counsel for the parties.

The writ petition is filed seeking a direction to the respondent authorities to consider the claim of the petitioner for promotion from Class IV to Class III post.

A counter affidavit has been filed by the Civil Surgeon- cum - Chief Medical Officer, Nawada who in paragraph 4 has practically accepted the grievance of the petitioner to submit that the memo bearing No. 1194 dated 17.5.2017 has been issued inviting objections on the gradation list so prepared for promotion to Class III. A copy of such order is placed at Annexure-A to the counter affidavit. It is further accepted by the Civil Surgeon- cum- Chief Medical Officer,



Nawada that the list attached to the order contains the list of candidates to be promoted from Class IV to Class III and the name of the petitioner appears at Serial No.9 thereof. It is further admitted that if no objection is filed within the stipulated time, necessary order of promotion would be passed.

The grievance of the petitioner as espoused by Mr. Shree Kant Pandey learned counsel for the petitioner is that although as per own admission of the Chief Medical Officer orders of promotion were to be passed on expiry of one month from the date of the order inviting objections i.e 17.5.2017 which has lapsed long before and thus the Chief Medical Officer accordingly may take a final decision in the matter

Having heard learned counsel for the parties and in view of the stand taken by the Civil Surgeon-cum-Chief Medical Officer, Nawada at paragraph 4 of this counter affidavit, I deem it proper to dispose of the writ petitioner with the direction to the Civil Surgeon-cum-Chief Medical Officer, Nawada to abide by his statement and pass appropriate orders within 4 weeks from the date of receipt/production of a copy of this order.

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.9.2017
Transmission Date	NA

(Jyoti Saran, J)

