

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15440 of 2016

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1. Dr. Rajendra Prasad, Son of Late Binda Singh, Resident of Mohalla- Ashok Nagar Colony, Ghughari Tand, P.S.- Vishnupad, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Services, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Government of Bihar, Patna.
4. The Joint Secretary, Health Services, Government of Bihar, Patna.
5. The Deputy Director, Health Services, Magadh Division, Gaya.
6. Dr. Rajdhari Ranjan, Director-in-Chief, Health Services, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Adv.
Mr. Lakshmi Kant Sharma, Adv.
For the Respondent/s : Mr. Chitranjan Sinha, PAAG2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-05-2017

Heard Mr. Rama Kant Sharma, learned Senior counsel for the petitioner who appears along with Mr. Rajesh Kumar learned counsel, Mr. Himanshu Kumar, A.C. to PAAG 2 and Mr. Rajeev Roy learned counsel for the private respondent No.6.

The petitioner while questioning the order bearing Memo No.373 dated 8.9.2015 impugned at Annexure-2 whereby the private respondent No.6 was posted against the post of Director-in-Chief, Health Services, Bihar Patna on his own pay scale, has prayed for appropriate direction to the respondents for his appointment against the post of Director-in-Chief, Health services in his place even for



officiating purposes inter alia on grounds that he is the senior most in the cadre.

When this matter is taken up for consideration Mr. Rajeev Roy learned counsel representing respondent No.6 has produced a notification bearing No.443(5) dated 25.4.2017 issued under the signature of Director (Joint Secretary State level) whereby the officiation of the respondent No.6 against the post of Director-in-Chief, Nursing Health Services, Bihar has been withdrawn and allotted to Dr. Shashi Rani Director-in-Chief (Disaster Management) until further orders. In reference thereto it is stated by Mr. Roy that the issue raised, has become academic.

Mr. Sharma, learned Senior counsel appearing for the petitioner contesting the submission advanced by Mr. Roy has submitted that even if the cause of action in so far as it relates to the posting of respondent no.6 has been diluted but yet the claim of the petitioner for appointment against the post of Director-in-Chief, Health Services continues as he is the senior most amongst the Directors, Health Services.

Having heard learned counsel for the parties and taking into consideration the order bearing Memo No.443(5) dated 25.4.2017 so produced by Mr. Rajiv Roy, I deem it proper to dispose of the writ petition with the direction to the Principal Secretary, Health, Bihar



Patna for taking necessary steps for filing up the post of Director-in-Chief Health Services in accordance with law within a maximum period of three months from today.

The writ petition is allowed with the directions aforementioned.

Let the order bearing No. 443(5) dated 25.4.2017 so produced by Mr. Roy be retained on the records of the proceedings.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.05.2017
Transmission Date	NA

