

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.376 of 2017**

Dr.Bhupat Ram Malik, son of late Shri Purno, aged about 53 years, working as Senior Medical Officer, Community Health Centre, Basna, District Mahasamund (CG)

---Petitioner

Versus

1. The State of Chhattisgarh, Through: Secretary, Health Department, Mahanadi Bhawan, Mantralaya, New Raipur (CG)
2. Director, Health Department, Raipur, District Raipur (CG)
3. Collector, Mahasamund, District Mahasamund (CG)
4. Chief Medical and Health Officer, Mahasamund (CG)
5. Block Medical Officer, Community Health Centre, Basna, District Mahasamund (CG)
6. Dr.B.B.Kosariya, In-charge Block Medical Officer, Block Basna, District Mahasamund (CG)
7. Jai Prakash Pradhan, Block Medical Officer, Community Health Centre, Basna, District Mahasamund (CG)

---Respondents

For Petitioner	:	Mr.Raghvendra Pradhan, Advocate
For Res.1 to 5/State	:	Mr. Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

24/1/2017

1. The petitioner had filed writ petition being WP (S) No.53 of 2016 on 18.11.2015 challenging the memo dated 31.1.2015 as well as the letter dated 6.2.2015 issued by the Block Medical Officer,

Community Health Centre, Basna, District Mahasamund. That writ petition remained pending up to 5.7.2016 and by order dated 5.7.2016 that writ petition was dismissed as withdrawn with liberty to make representation before the State Government as also before the Director, Health Department, Raipur.

2. The present writ petition has been filed by the petitioner challenging the order dated 20.11.2015 (Annexure P/1) passed by respondent No.3, whereby respondent No.3 has directed to give the charge of Block Medical Officer, Community Health Centre, Basna to Dr.Jai Prakash Pradhan.

3. The present writ petition cannot be entertained for two reasons. Firstly, the petitioner did not challenge the order dated 20.11.2015 in the earlier writ petition though the earlier writ petition filed by the petitioner remained pending up to 5.7.2016 before this Court and he had an opportunity to challenge the same in the writ petition, but he withdrawn that writ petition to file representation and that the petitioner was allowed Dr.Jaiprakash Pradhan to work on the post of Block Medical Officer, Community Health Centre, Basna since 20.11.2015 till this date and secondly, the writ petition suffers from delay and laches because challenging the order dated 20.11.2015 the writ petition has been filed only on 6.1.2017 and in para 7 of the writ petition it has been conveniently declared that there is no delay in filing the present writ petition, however, there is delay of more than one year in filing the writ petition particularly the

earlier writ petition filed by the petitioner remained pending up to 5.7.2016, more particularly as he had an opportunity to challenge that order by amending that writ petition. The duties and responsibilities of the post of Block Medical Officer is serious one and the petitioner cannot be allowed to interfere in such a job in this manner.

4. In view of above, the present writ petition is dismissed subject to payment of cost of ₹ 5000/- to the High Court Legal Services Committee within a period of 15 days from today.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-