

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 117 of 2017**

Dr. Mrs. Meena Goyal W/o Shri N. K. Goyal, Aged About 64 Years Presently Working As Professor, Department Of Anatomy, Pt. Jawaharlal Nehru Memorial Medical College, Raipur (Chhattisgarh), R/o C- 1, Medical College Colony, Devendra Nagar, Raipur (Chhattisgarh).

---- Appellant**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Health & Medical Education, Secretariat, New Raipur, Police Station Rakhi, Post Office Rakhi District Raipur (Chhattisgarh).
2. Dean, Pt. Jawahar Lal Nehru Memorial Medical College, Raipur (Chhattisgarh), Chhattisgarh Medical & Health Science University, Jail Road, Raipur, (Chhattisgarh)
3. Director Of Medical Education, Old Nursing Hostel, Behind D. K. Hospital, Near Lal Ganga Shopping Complex/ Mall, G. E. Road, Raipur, (Chhattisgarh)
4. Dr. Manik Chaterjee, Presently Working As Professor & Head Of The Department, Department Of Anatomy, Pt. Jawahar Lal Nehru Memorial Medical College, Raipur, (Chhattisgarh)

---- Respondents

For Appellant	: Shri Sudeep Verma, Advocate.
For Respondent/State	: Shri Ashish Surana, Panel Lawyer.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P. Sam Koshy, Judge.

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****30/03/2017**

1. We have heard Learned Counsel for the Appellant quite *in extensio*.
2. Under challenge is the decision of the Learned Single Judge refusing to accede to the Appellant's plea that she is entitled to be posted as Head of the Department of Anatomy in the Pt. Jawahar Lal Nehru Memorial Medical College, Raipur.
3. The fact of the matter remains that the Appellant was promoted and posted as Professor in the Government Medical College, Rajnandgaon. That was to the

post of Professor of Anatomy for which she was entitled to. However, she did not join that college; instead sought indulgence of the Government for posting at Raipur in the Pt. Jawahar Lal Nehru Memorial Medical College, Raipur and the Government considered it and transferred her to the College at Raipur by adjusting her against the seat of Professor in Microbiology, though she is a Professor of Anatomy. In such factual matrix, the Learned Single Judge is wholly justified in taking the view that the Appellant having moved to a place of her choice cannot further attempt to oust the Head of Department of Anatomy and become the Head of Anatomy.

4. The aforesaid position notwithstanding, it is not the mandate of any law that the Head of a Department should always be the senior most Professor. All that is required in terms of the rule is that the Head of Department should be a Professor. This only means that the Government has the power to choose one among the Professors of the Department concerned to be the Head of the Department. The Head of Department in the medical college is not by itself a post which can be claimed as a matter of legal right. It is the managerial controlling authority to be chosen by the administration, that is, the Government. This way also the challenge of the Appellant fails. This issue has also been answered against the Appellant by the Learned Single Judge.

5. For the aforesaid reasons, the judgment of the Learned Single Judge does not warrant interference, in any manner, either in law or on facts. The writ appeal therefore, fails and the same is accordingly dismissed in limine.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE