

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2479 of 2008

=====

Satish Chandra Pandey, S/o Late Janardan Pandey, Resident of Village Piparadh,
P.O. Raghunathpur, P.S. Bagan, Brahmapur, Dist. Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Health/Medical Education, Family Welfare and Indian System of Medicine Deptt., Govt. of Bihar, Patna, Vikash Bhawan, Patna.
3. The Deputy Secretary, Medical Education, F.W. and Indian System of Medicine Deptt., Vikash Bhawan, Patna.
4. The Director, Indigenous Medicine, Deptt, of Health, Vikash Bhawan, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s :

For the State : Mr. Sanjayn Kumar, AC to SC 15

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-03-2018

No one appears on behalf of the petitioner. Learned counsel for the State is present.

On the last date i.e. on 13.3.2018 when the case was taken up, position was the same. Learned counsel for the petitioner was absent and this Court has recorded that if the petitioner would remain absent on the next date, this Court will pass necessary order on the basis of the material available on record.

In such view of the matter, this writ petition is being disposed of on its own merit.

In the present case, the petitioner is seeking relief for quashing the order dated 17.10.2007 passed by the Secretary,



Health/Education, Family Welfare and Indian System of Medicine Department, Government of Bihar, Patna by which petitioner has been reverted from the post of Reader to the post of Lecturer/Medical Officer, Sri Dhanwantri Ayurvedic College and Hospital, Ahirauli, Buxar.

As per the case of the petitioner, he was initially appointed as Demonstrator in the Department of Anatomy in Sri Dhanwantri Ayurvedic College and Hospital Ahirauli, Buxar on 12.11.1981 by the private Managing Committee as at the relevant time the said College was being run by a private management and whereafter the petitioner was promoted to post of Lecturer in the Department of Anatomy with effect from 1.7.1982 and he was declared as a permanent Lecturer in the meeting of the Managing Committee held on 16.1.1985 and, whereafter, he was again promoted to the post of Reader vide resolution dated 31.1.1986 in the same Department of Anatomy by Governing Body.

The Government of Bihar took over Sri Dhanwantri Ayurved College and Hospital Ahirauli, Buxar vide notification no.840 dated 9.12.1986 along with assets and liability. From Clause "Ga" it appears that cut off date has been fixed on 1.3.1983 and it has been mentioned that the Screening Committee will be constituted to examine the suitability and credentials of



teaching and non-teaching staffs such as educational qualification, their date of entry in the service and creation of post etc. The Committee examined whereafter Committee has recommended for absorbing the services of 66 persons, 24 from teaching staff and 42 for non-teaching staff. The Committee prepared the seniority list, accordingly teaching and non-teaching staffs were accommodated against different posts, i.e. reflected from the notification dated 17th October, 2007 and the petitioner was adjusted as Aurvedic Medical Officer.

The claim of the petitioner is that he was working as a Reader but, he has wrongly been adjusted Ayurvedic Medical Officer which is nothing but demotion from post which he was holding at the time of take over of the College. It is to be taken note of the fact that the petitioner entered into the service as a Demonstrator on 12.11.1981, he was made Lecturer with effect from 1.7.1982 and in quick succession he was again made Reader on 31.1.1986. It shows astronomical rise of the position of the petitioner. The committee after examining his service record from an angle of qualification, entry, suitability, it was found that only 24 teaching staffs could be accommodated, at the level of Lecturer, only 15 posts of Lecturer were available, accordingly 15 teachers have been absorbed according to their



seniority as Lecturer, rest who are below in seniority have been made Ayurvedic Medical Officer.

This Court does not find any error in absorbing the petitioner on the post of Ayurvedic Medical Officer.

Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.3.2018
Transmission Date	NA

