

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11898 of 2014

Dr. Awadhesh Kumar Sinha, Son of Late Babulal Prasad Verma, Resident of Village 201, Shri Laxmi Palace, B/H Abhishekh Plaza, Exhibition road, P.S.- Gandhi Maidan, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, null Health Department, Government of Bihar, Patna
2. The Principal Secretary, Health Department, Government of Bihar, Patna
3. The Joint Secretary, null Health Department, Government of Bihar, Patna
4. The Additional Secretary, Health Department, Government of Bihar, Patna
5. The Deputy Secretary, Health Department, Government of Bihar, Patna
6. The Principal, Patliputra Medical College, Dhanbad, Jharkhand

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kant

For the Respondent/s : Mr. GP11- AWANISH NANDAN SINHA

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 16-03-2018

This writ petition under Article 226 of Constitution of India has been filed by petitioner for a direction to Respondents to regularize the promotion of petitioner on the post of Professor Anaesthesiology, Patliputra Medical College, Dhanbad from 1.5.1998 on which the petitioner was promoted on ad hoc basis vide notification dated 15.4.1998 and to grant other consequential benefits.

Briefly stated fact of the case is that petitioner was promoted on ad hoc basis on 1.5.1998 on the post of Professor of Anaesthesiology, Dhanbad, and retired on 30.9.1998 from service.

It has been submitted on behalf of learned counsel for petitioner that petitioner was senior most and as such he was asked to discharge the function of Professor of Anaesthesiology on ad hoc basis and he assumed the charge on 1.5.1998 and retired from the said post on 30.9.1998 but still he has not been promoted on



regular basis on the said post although many similarly situated persons have been given regular promotion from the date of assumption of charge and petitioner is also entitled for regular promotion on the post of Professor from the date he assumed officiating charge on 1.5.1998. It is further prayed that petitioner was entitled for pay scale of Professor while he was discharging duty on the post of Professor but he was granted lower pay scale and is entitled for grant of pay scale of Professor from the date he assumed charge of Professor from 1.5.1998 and all post retiral benefits ought to have been calculated on the pay scale of Professor but even after representing to the concerned authorities neither he has been given regular promotion on the post of Professor nor he has been granted pay scale of Professor although many similarly situated persons who were promoted under the working arrangement has been subsequently granted regular promotion and regular pay scale of Professor.

It has been submitted on behalf of petitioner that similarly placed person Professor Dr. Ashutosh Narayan Singh who had retired from Darbhanga Medical College was subsequently given pay scale of Professor and all his pensionary benefits were calculated on the pay scale of Professor but similar benefits are not being extended to him and he was given the pay scale of Associate Professor and all his pensionary benefits have been calculated on the pay scale of Associate Professor which is discriminatory and petitioner is also entitled for grant of regular promotion on the post of Professor and his pensionary benefits are also required to be calculated on the pay scale of Professor.

After hearing the parties, petitioner is directed to file an exhaustive representation before the Principal Secretary, Department of Health, Government of Bihar, Patna, with details of



similarly placed persons who have been granted regular promotion on the post of Professor and have been granted regular pay scale of Professor and pensionary benefits have also been calculated on the pay scale of Professor and Principal Secretary, Department of Health, Government of Bihar, Patna, shall consider the claim of petitioner within a period of three months from the date of receipt/production of a copy of this order and decide the claim of petitioner in accordance with law.

With said observation and direction the writ petition is disposed of.

(S. Kumar, J)

sudip/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

