

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17835 of 2009

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Dr. Surendra Mohan Kumar Sinha, S/O Late Ram Chandra Prasad, R/O Vill.-
Mahuli, P.S.- Athmalgola, Patna, at present Posted as Assistant Professor,
E.N.T., A.N. Magadh Medical College, Gaya.

..... Petitioner

Versus

1. The State of Bihar
2. The Health Commissioner/Secretary, Health Medical Education and Family Welfare Department, Government of Bihar, New Secretariat, Patna
3. The Special Secretary, Health Department, Patna
4. The Joint Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, New Secretariat, Patna
5. Dr. Rajendra Kumar Mishra, S/o not Known to the petitioner, retired from the Associate Professor, E.N.T., Darbhanga Medical College, Laheriasarai

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Nishant Kumar Sinha, Advocate Md. Waziur Rahman, Advocate
For the State	:	Mr. Prabhat Kumar, A.C. to G.A.-XI

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 01-05-2018

Heard learned counsel for the petitioner and
learned counsel for the State.

In this case, the petitioner is seeking the benefit
that he should be granted the officiating promotion to the post of
Associate Professor from the date his junior has been promoted.

So far the granting of promotion on officiating
basis is an ad-hoc arrangement based on the principle of



fortuitous circumstance, that period will not be taken into consideration while dealing with the seniority of the petitioner vis-a-vis others. The seniority will only be granted from the date of substantive promotion, which has not been given either to the petitioner or to the respondent no.5. Both are occupying the seat of Associate Professor on officiating basis. If in future any such occasion arises and the petitioner may feel suffering from prejudice or illegality in reckoning the seniority of both the persons, in such circumstance, the petitioner will have liberty to raise the issue before the competent authority and competent authority will be obliged to consider the case of the petitioner in accordance with law.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	02.05.2018
Transmission Date	N/A.

