

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17456 of 2014

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Dr. Shanti Singh W/o Dr. H.K. Singh, R/o- E- 139, Doctors Colony,
Kankarbagh, P.S. Kankarbagh, District- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, null Department of Health, Government of Bihar, Patna
2. The Principal Secretary, Department of Health, Government of Bihar, Patna
3. The Deputy Secretary, Department of Health Medical Education and Family Welfare Department, Government of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh
For the Respondent/s : Mr. PANDEY S SAHAY

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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 granting promotion to petitioner on the post of Associate Professor with effect from 24.6.1988 as well as grant promotion to the post of Professor with effect from 24.6.1992.

Petitioner is a Doctor(Gynaecologist) by profession and after completion of her MBBS she was appointed as Medical Officer on 1.5.1971 and by notification dated 21.12.1976 she was appointed as Resident Surgeon in Gynaecology and Obesity Department of



Patna Medical College and Hospital (hereinafter referred to as 'PMCH') with effect from 18.1.1977 and by notification dated 22.12.1978 she was appointed as Registrar, Gynaecology and Obesity Department of PMCH with effect from 23.12.1978 and was thereafter appointed as Medical Officer in the office of Civil Surgeon, Patna, where she continued till 23.6.1983. On the basis of her educational qualification and seniority she was appointed as Assistant Professor, Gynaecology and Obesity Department of PMCH vide notification dated 24.6.1983. After serving for more than fourteen years on the post of Assistant Professor petitioner was promoted as Associate Professor of Gynaecology and Obesity Department of PMCH vide notification dated 19.12.1997 with effect from 19.12.1997 though she became eligible and entitled for such promotion after completion of five years of serving as Assistant Professor. It has been submitted that as per the Bihar Medical Educational Services Cadre Recruitment Board, 1997 petitioner was entitled for promotion to the post of Associate Professor after completion of five years of service on the post of Assistant Professor i.e. from 24.6.1988. However, promotion of petitioner was delayed for nine years and she was promoted as Associate Professor of Gynaecology and Obesity Department of PMCH vide notification dated 19.12.1997 with effect from the



date of notification i.e. 19.12.1997 and she retired from service on 31.1.2005 as an Associate Professor of PMCH after serving on the post of Associate Professor for more than seven years.

It has been submitted on behalf of the petitioner that petitioner became eligible and entitled for promotion to the post of Associate Professor with effect from 24.6.1998 after completing five years of service on the post of Assistant Professor and she became eligible and entitled for promotion to the post of Professor with effect from 24.6.1992 after completing four years of service as Associate Professor in terms of Rule. However, since petitioner was not granted promotion in time and her promotion on the post of Associate Professor was delayed and although she was entitled for promotion on the post of Professor but same was never granted to her during her service career and she retired on 31.2.2005. It has been submitted on behalf of petitioner that Principal Secretary, Department of Health, Bihar, Patna, vide order dated 1.4.2010 granted promotion from retrospective date to one Dr. Manorama Mishra junior to petitioner on the post of Associate Professor with effect from 23.8.1984 and further to the post of Professor with effect from 23.10.1988 after four years of experience and petitioner is also entitled for similar benefits. Petitioner had filed a representation to the Principal Secretary on 26.4.2013 to extend



her the same benefits but no order has been passed on the said representation. Similarly, one Dr. Kamlesh Tiwary who was working in the rank of Professor from 16.4.2010 was given retrospective, promotion from 22.3.2004 on the fact that after Loknath Singh, who was junior to Kamlesh Tiwary, was given promotion in the rank of Professor with effect from 23.2.2004. Similarly, vide notification dated 22.7.2014 Dr. Ashok Kumar and Dr. Srinivas Rai, who were made ad hoc Professor with effect from 25.3.2004 and 1.6.2005 were given regular promotion in the rank of Professor from the date of discharging their duty on ad hoc basis as Professor.

After hearing the parties and going through the materials available on record, petitioner is directed to file an exhaustive representation containing all details of similarly placed persons who have been granted promotion from retrospective date as well as details of juniors to petitioner who have been given promotion on the post of Associate Professor as well as Professor from retrospective date to the Principal Secretary, Department of Health, Bihar, Patna, who shall consider representation of petitioner and grant similar benefits what has been granted to similarly placed persons or even persons who are juniors to petitioner and may also give a personal hearing to petitioner within three months from



the date of receipt/production of a copy of this order and decide
the claim of petitioner.

With said observation and direction writ petition is disposed
of.

(S. Kumar, J)

sudip/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

