

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.260 of 2013

=====

Dr. Usha Mishra W/o Prof. Hrishikesh Mishra R/o Near Saidpur Turning, Rajendra Nagar, P.S. Kadam Kuan, District- Patna. **Petitioner**

Versus

1. The State of Bihar through the Health Secretary, Govt. of Bihar, New Secretariat, Patna.
2. The Principal, Rajkiya Ayurvedic College, Kadam kuan, Patna, P.S.- Kadam Kuan, Distt. Patna.
3. Union of India through Secretary Ministry of Health , Govt. of India, N.Delhi.
4. Secretary, Central Council of Indian Medicine 61-65, Institutional Area, Janakpuri, New Delhi-110001
5. Secretary-Cum-Commissioner Department of Health, Government of Bihar, Patna New Secretariat, Patna.
6. Under Secretary Department of Medical Education, government of Bihar, Patna, New Secretariat, Patna.
7. Special Secretary-Cum-Additional Commissioner Department of Health, Government of Bihar, Patna, New Secretariat, Patna.
8. Dr. Someshwar Singh Father Name not known Reader in the Department of Ras Shastra, Vaisajaya Kalpana, Patna Ayurvedic College, Kadamkuan, Patna-800003

.... **Respondents**

=====

Appearance :

For the Petitioner : Mr. Surya Swetabh, Advocate
For the State : Mr. Manoj Kumar, AC to GP 4
For respondent no.3 & 4 : Mr. Anjani Kr.Sharan, ASG
For respondent no.9 : Mr. Suresh Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 29-08-2018

Heard learned counsel for the petitioner and the respondents.

Learned counsel for the petitioner submits that though the petitioner was MD in Ras Shastra she has been deputed as lecturer in the Department of Gynecology, and regularized thereafter in the same Department in the year 2004, which is evident from order dated 10.11.2008, passed on the petitioner's writ



petition bearing C.W.J.C.No. 9601 of 1995.

This writ petition has been filed claiming seniority over respondent no.9 who is working as Reader/Professor in the Department of Ras Shastra.

The State respondents have resisted claim of the petitioner by assigning reason that since the petitioner has not worked in the Department of Ras Shastra she cannot claim seniority over respondent no.9 on basis of departmental circular.

Admitted position that emerges from the records is that since 1997 the petitioner has been working as lecturer and has not been granted any progression in her career. The petitioner's counsel submits that said denial is based on the circumstances for which respondents are also responsible inasmuch as she was made to work in the Department of Gynecology though she is MD in Ras Shastra.

The petitioner claims to have worked since 1997 and that she would be entitled either to her promotion or financial progression in her service career. Learned counsel for the petitioner therefore submits that the petitioner would make a representation before respondent authorities since she has not been granted any promotion/career progression in her entire service career since 1997. If such claim is made by the petitioner, respondents would be



obliged to consider the same expeditiously and pass a reasoned and speaking order in accordance with law.

The writ petition is disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2018.
Transmission Date	NA

