

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2134 of 2016

In

Civil Writ Jurisdiction Case No.2688 of 2011

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1. Dr. Ganesh Prasad Gupta, son of Late Sitaram Prasad, resident of Mohalla- Roshan Vihar Colony, Bailey Road, Saguna More, Danapur, Patna.
 2. Dr. Ram Adhar Singh, son of Late Deomuni Singh, resident of Mohalla- Quarter No.5, New Punaichak, Patna.
 3. Dr. Mahendra Prasad Singh at present posted as Reader, Department of Dravya Guna, Government Ayurvedic College, Kadamkuan, Patna.

... .. Appellant/s

Versus

1. Sampoorna Nand Tiwary, son of Late Chandra Shekhar Tiwary, resident of Chiriya Bazar, Sonapur, P.S.- Sonapur, District- Saran, Bihar at present posted as Lecturer, Government Ayodhya Shiv Kumari Ayurvedic College, Begusarai.
2. The State of Bihar through the Principal Secretary, Department of Health (Medical Education Family Welfare and Indigenous Medicine), Government of Bihar, Patna.
3. The Principal Secretary, Department of Health (Medical Education Family Welfare and Indigenous Medicine), Government of Bihar, Patna.
4. The Secretary, Department of Health (Medical Education Family Welfare and Indigenous Medicine), Government of Bihar, Patna.
5. Director (Indigenous Medicines), Department of Health, Government of Bihar, Patna.
6. Dr. Vishwanath Sharma, retired Reader, Department of Dravya Guna, Government Ayurvedic College, Kadamkuan, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajit Kumar
Advocate
Mr. Shailendra Kumar
Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

7 12-01-2018 Heard learned counsel for the appellants and learned
counsel for the private-respondent.



The order under challenge is dated 08.09.2016.

The writ application of the petitioner was allowed with certain directions. These appellants are aggrieved because they have not been given the benefit of promotion to which they are looking for.

The Learned Single Judge has considered the relevant rules and regulations and has given the direction even for modification of the date from which the private-respondent will become eligible for the said promotion keeping in view the position of post-graduates.

We are not convinced that any infirmity has been committed by the Learned Single Judge in passing such an order in favour of the appellants.

It is also the finding of the Learned Single Judge that none of the petitioners before the writ court were senior to the private-respondent as per the seniority list, therefore, they, having a grievance against the private-respondent for grant of benefit of promotion, was misplaced and uncalled for.

Despite above, the Learned Single Judge has given leeway to such claimants to move the appropriate authorities for consideration of grant of promotion. If these appellants move the concerned authorities in terms of the order of the Learned



Single Judge for grant of benefit of promotion, the same will be considered in accordance with law and appropriate decision should be taken preferably within a period of four months thereof.

Appeal otherwise is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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