

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2642 of 2018

1. Dr. Swaraj Bandhu Kesh S/o Shri Asit Baran Kesh, Aged About 41 Years, Assistant Professor, Department Of Physiology, Government Medical College, Rajnandgaon Chhattisgarh.
2. Dr. Debashish Biswas S/o Shri Kshetranath Biswas, Aged About 39 Years, Reader And Head Of Department, Triveni Institute Of Dental Sciences, Hospital And Research Centre, Bodri, Bilaspur Chhattisgarh.
3. Dr. Sanjay Singh Negi S/o Shri Sukhpal Singh Negi, Aged About 42 Years, Associate Professor, Department Of Microbiology, All India Institute Of Medical Sciences, Raipur Chhattisgarh.
4. Dr. Arghya Sur S/o Late Shri Pranabesh Chandra Sur, Aged About 47 Years, Professor And Head Of The Department, Department Of Physiology, Government Medical College, Raigarh Chhattisgarh.

---Petitioners

Versus

1. Union Of India Through Secretary, Ministry Of Health And Family Welfare, (Pmssy Division), Nirman Bhawan, Maulana Azad Road, New Delhi - 110011.
2. Jawaharlal Institute Of Post Graduate Medical Education And Reserarch, Dhanwantari Nagar, Puducherry - 605006.

---Respondents

For petitioners	:	Shri Anup Majumdar, Advocate.
For respondents	:	Shri Krishna Gopal Yadav, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/05/2018

1. The grievance of the petitioners in the instant Writ Petition is that since the petitioners were non-medical doctors in the field of Physiology as well as in Microbiology subjects, they were not permitted to participate in the recruitment process initiated by the respondents for filling up the post of

Assistant Professor in the department of AIIMS, Mangalagiri and AIIMS, Nagpur.

2. Pending the Writ Petition before this Court, the respondents subsequently have issued an ADDENDUM dated 27/04/2018 whereby the non-medical candidates in the subjects Anatomy and Physiology have been permitted to participate. Accordingly the grievance of the petitioners No. 1, 2 & 4 – Dr. Swaraj Bandhu Kesh, Dr. Debashish Biswas and Dr. Arghya Sur stands redressed.

3. However, the grievance so far as the petitioner No.3 is concerned pertaining to the Microbiology subject still stands unredressed.

4. Considering the fact that the respondents have now vide ADDENDUM dated 27/04/2018 have permitted similarly placed candidates of the non-medical group of the Anatomy and Physiology subjects for participating in the recruitment process, this Court does not understand as to why similar benefits cannot be extended to the candidates belonging to the Microbiology subject as well.

5. Given the aforesaid facts and circumstances of the case particularly taking note of the ADDENDUM dated 27/04/2018 this Court is of the opinion that no fruitful purpose would be served in keeping the Writ Petition pending, rather ends of justice would meet if the matter is placed before the respondent No.1 who shall personally look into the matter and shall consider the claim of the petitioner No.3 belonging to the Microbiology subject and

consider whether the candidates belonging to the Microbiology subject of the non-medical group also can be granted similar benefits or not?

6. The petitioner No.3 in turn is also at liberty to make a fresh representation to the respondent No.1 within a period of 2 weeks' from today and on such representation so made, the same may also be considered by the respondent No.1 at the earliest preferably within a period of 45 days from the date of receipt of representation of the petitioner.

7. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit