

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 38 of 2019

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Amrendra Rawat, Son of Sahdeo Rawat, Resident of Village - Bhaur, P.S.-
Khaira, Dist- Jamui, Presently working as Rasoiya (Cook) at Sadar Hospital,
Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar through Civil Surgeon -cum- Chief Medical Officer,
Jamui
2. Principal Secretary, Department of Health, Government of Bihar, Patna.
3. Principal Secretary, Dept. of Finance, Government of Bihar, Patna.
4. Director in Chief, Health Services, Bihar, Patna.
5. Civil Surgeon cum Chief Medical Officer, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr Nagendra Pd Yadav, SC 23

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 11-07-2019

Heard Mr Prabhat Ranjan Singh as well as the learned
State Counsel.

2 Mr Singh submits that the petitioner is a Group D
employee and is working with the respondent-State since 1991.
Having Matriculation Degree, the petitioner, in light of the
Notification dated 23.03.2011, was entitled for promotion against
the 15% quota from Group D to Group C post. It is his submission
that the Director-in-Chief, Health Services had written to all the
authorities including the Superintendent of the Hospital, where the



petitioner was posted on a Group D post, to proceed in accordance with the Rules for initiating the process of promotion from Group D to Group C post. Referring to the information obtained by the petitioner under the Right to Information Act (for brevity, RTI Act), it is submitted that the issue of appointment was kept pending for want of Guidelines from the Department on certain issues. Now the process is being undertaken in light of the 2014 Rules for the said purpose which is evident from the order dated 07.05.2016 issued by the office of the Civil Surgeon -cum- Chief Medical Officer, Jamui. It is further submitted that once the process was initiated by the Communication (Annexure 1) dated 02.12.2013 under the 2011 Notification and since the petitioner was qualified for the same having Matriculation qualification, now his claim could not be ousted on account of the 2014 Rules which prescribes the qualification of Intermediate.

3 The proposition advanced by Mr Singh would be valid only if the process been initiated and the petitioner applied pursuant to any such process. From the Communication dated 02.12.2013, up till the information supplied under the RTI Act, both of which have been relied upon by the petitioner, it is evident that the authorities were still compiling requisite information for



initiating a proceeding under the old Rules. No such proceeding was initiated.

4 Since no proceeding had been initiated, the claim of the petitioner for being considered or the submission of the petitioner that the qualifications could not be changed in the midst of the proceeding, does not arise.

5 Claim of the writ petitioner is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

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

