

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2446 of 2019

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Vijay Kumar Gupta, (male, aged 59 years), S/o Ramlochan Prasad Gupta, R/o 204, Nalanda Nagar Colony, Gauri Shankar Apartment, Kurji Phulwari, Sadaquat Ashram, P.S.- Phulwari, Distt-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department Of Health Government of Bihar Patna.
2. The Special Secretary-Cum-Chief Executive Director, State Health Society, Government of Bihar, Patna.
3. The Special Secretary, Department of Health, Government of Bihar, Patna.
4. State Drug Controller Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Mayuri, Adv.

For the Respondent/s : Mr. Manoj Kr. Yadav, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 19-02-2019

The petitioner, who is an Assistant Drug Controller, has approached this Court for a direction to the respondent authorities to consider his case for appointment to the post of Deputy Drug Controller in accordance with the provision of Level Jumping, which has been introduced in the



rules governing the service conditions of the Drug Controllers in the State of Bihar.

2. The learned counsel for the petitioner has submitted that *vide* Notification No. 1146 (15) dated 08.10.2014, issued by the Department of Health, Govt. of Bihar, Patna, rules regarding appointment, Promotion and Conditions of Service of the State Drug Control Department, have been formulated. According to the aforesaid rules, there are 47 posts of Assistant Drug Controller, 11 posts of Deputy Drug Controller in the State of Bihar. Three tiers of Drug Controllers have been created by virtue of the aforesaid rules and the respective hierarchy of posts have been designated as Assistant Drug Controller, Deputy Drug Controller and the State Drug Controller.

3. By Resolution No. 7433 dated 05.06.2018, the concept of Level Jumping has been introduced in matters of promotion; meaning thereby that if a person has to ascend from a lower pay-scale to the higher pay-scale, skipping one scale in between, that could be done by adding-up the numbers of years of the requisite length of service for



the higher pay-scale.

4. It is the case of the petitioner that even after serving as Assistant Drug Controller for more than 24 years, no promotion has been given to him. Even with respect to financial progression, the petitioner has been at the Level-9, whereas in terms of the length of service, the petitioner ought to have been considered for being promoted to Level-12 of the pay-scale. This could have been possible by adopting the principle of Level Jumping.

5. Ms. Mayuri, the learned counsel for the petitioner has submitted that despite the petitioner having represented a number of times before the State Drug Controller and the Principal Secretary, Department of Health, Govt. of Bihar, Patna, nothing tangible has been done in that regard.

6. Under the aforesaid circumstances, this Court directs the petitioner to make a fresh representation before the Principal Secretary, Department of Health, Govt. of Bihar, Patna (respondent No. 1), detailing his grievances and stating the reasons as to why he be considered for being



promoted to the post of Deputy Drug Controller and be placed in the pay-scale of Level-12, within a period of four weeks from today. On such representation being received by the Principal Secretary, Department of Health, Govt. of Bihar, Patna (respondent No. 1), the same shall be disposed off by a reasoned order within a further period of six weeks thereafter. In case, the claim of the petitioner is found to be tenable, necessary sequel order shall be passed within the aforesaid period.

7. With the aforesaid direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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