

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14381 of 2014

Dr. Hare Krishna Singh S/o Late Daroga Singh R/o Mohalla - Kankarbagh,
P.S. Kankarbagh, District - Patna

... .. Petitioner

Versus

1. The State Of Bihar
2. The principal Secretary, Health, Medical Education and Family Welfare Department, Government of Bih
3. The Deputy Secretary, Health, Medical Education and Family Welfare Department, Government of Bihar,

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh
For the Respondent/s : Mr. Rakesh Kumar Ranjan, AC to GA 5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 15-10-2019 The writ petition was filed by the petitioner in view of liberty granted in the earlier writ proceedings arising out of CWJC No. 1136 of 2000.

The petitioner in the instant proceeding claims that various others, who were junior to the petitioner, were promoted as Professor and as such promotion be granted to him with effect from 9.12.1988 when he acquired eligibility. The petitioner has since retired in the year 2001.

After some argument Mr. Singh appearing for the petitioner submits that under no circumstances respondents can deprive the petitioner benefits of the post of Professor, Medicine Department, PMCH, at least with effect from 27.8.1998 i.e. the date on which he was notified for the said post. In this connection, he



submitted that there are various pronouncements of this Court that in view of conjoint reading of Rule 103 and 58 of the Bihar Service Code, petitioner cannot be deprived of the benefits of the higher post when he is qualified to hold the same and on which higher post he was continued for a long period. He submits that he would make a detailed representation before respondent No. 2, for grant of all benefits for the post of Professor.

In case such a representation is filed within four weeks, respondent No. 2 would be obliged to consider the same and pass a speaking order thereon. The order should be passed by respondent no. 2 expeditiously without undue delay preferably within a period of four months from the date of submission of representation by the petitioner.

Writ petition is disposed of.

(Madhuresh Prasad, J)

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