

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21314 of 2018

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Shailendra Kumar Yadav S/o late Sukan Yadav Resident of Village- Dhanho,
Post- Hardiya, P.S.- Sindhiya, District- Samastipur, At Present Primary Health
Centre, Hilsa, Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, General Administrative
Department, Govt. of Bihar, Patna.
2. The Director in Chief, Health Services Bihar, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The Civil Surgeon-Cum-Chief Medical Officer, Nalanda at Biharsharif.
5. The In Charge Medical Officer, Primary Health Centre, Hilsa , Nalanda.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Arvind Kumar Sinha
For the Respondent : Mr.Md.N.H.Khan, SC-1

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 13-12-2019 A counter affidavit has been filed on behalf of the

State respondents, which is taken on record.

The petitioner claims that he is working as Health
Worker in Primary Health Centre, Hilsa, in the district of
Nalanda. He has filed this writ application seeking direction to
the respondents to promote him to the post of Driver in terms of
letter No.414 dated 14.10.2003. Letter dated 14.10.2003 has
been brought on record, which is a communication made by the
Civil Surgeon-cum-Chief Medical Officer, Nalanda, addressed
to the District Magistrate, Nalanda, wherein up-gradation of the
post, which the petitioner is holding, as Driver has been



recommended.

The petitioner has not been able to satisfy this Court that post of Driver can be filled up on the basis of promotion. The letter dated 14.10.2003 does not recommend promotion of the petitioner to the post of Driver, rather there is a request made by the Civil Surgeon to upgrade the post, which the petitioner is holding, to the post of Driver.

No relief, which the petitioner is seeking in the writ application, can be granted in the absence of any Rule or a Government decision, which treats the post of Driver, a promotional post for a person holding the post of Health Worker.

This writ application is accordingly dismissed.

It will, however, be open for the respondents to consider the petitioner's case for promotion in accordance with law.

(Chakradhari Sharan Singh, J)

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