

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2415 of 2020

Dr. Arjun Prasad Singh Son of Sri Ram Uchit Singh, Resident of Mohalla-
Ram Nagar Mirjapur (Besunpur), Police Station- Nagar Thana Begusarai,
District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Special Secretary, Health Department, Government of Bihar, Patna.
3. The Additional Secretary, Health Department New Secretariat, Bihar, Patna.
4. The Director General Health Department, Ayush New Secretariat, Bihar, Patna.
5. The Director Indigenous Medicine Health Department, New Secretariat, Patna.
6. The Special Secretary cum Incharge Ayush Health Department, Government of Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Upadhyay
For the Respondent/s : Mr. Vasant Vikash, AC to (Gp12)

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2020 Petitioner's counsel is permitted to implead Special Secretary -cum- Incharge Ayush, Health Department, Government of Bihar as respondent No. 6.

The petitioner claims to be senior most District Ayush Medical Officer. The case of the petitioner is that the Superintendent of Government Ayurvedic College, Patna was to retire on 31.12.2019. Thereafter the petitioner being the senior most and only eligible person for being posted as Superintendent, made his claim for the same by his representation dated 22.8.2019 before the Special Secretary cum- Incharge Ayush, Health Department (Annexure 4).

Petitioner's counsel submits that four months thereafter the Superintendent has retired. Two months have lapsed even thereafter, however no decision has been taken on petitioner's claim for posting on the said post.



The posting as Superintendent of the Government Ayurvedic College is an issue which is a matter of administrative exigency and efficient functioning of the hospital. The authorities are required to take a decision in this regard keeping in view the rule position, qualification and desirability of posting the petitioner thereupon. The issue therefore was required to be considered by respondent No. 6 the Special Director -cum- Incharge Ayush, Health Department, Government of Bihar, Patna.

The Court therefore is not inclined to adjudicate any issue as the same has to be considered by the authorities pursuant to Annexure 4, i.e. petitioner's claim and the two subsequent reminders. Pendency of the writ proceeding would thus be futile.

The writ petition is disposed of with a direction to respondent No. 6 to take a decision on the petitioner's representation and dispose it of by a reasoned and speaking order expeditiously and without any undue delay.

(Madhuresh Prasad, J)

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