

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3797 of 2016

In
Miscellaneous Jurisdiction Case No.2502 of 2015

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Dr. Sumeshwar Singh Son of late Mangru Singh Resident of Village and P.O.
Penar, P.S. Nokha, District Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sri. R.K. Mahajan name of father not known to the petitioner Principal
Secretary, Health Department, Government of Bihar, New Secretariat, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar
For the Opposite Party/s : Mr. AC to AAG 9

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-02-2020 Heard Mr. Shivendra Kishore, the learned counsel for
the petitioner, and the learned AC to AAG IX.

The petitioner has filed this petition for initiating
contempt proceeding against O.P. No.2 for deliberately and
willfully disobeying the orders/ directions of this court passed
on 20.04.2016 in MJC No. 1147 of 2015 with MJC No. 2502 of
2015 and on 14.01.2015 in CWJC No. 10461 of 2005 with
CWJC No. 11257 of 2005.

It is admitted fact that petitioner and others filed
CWJC No. 10461/ 2005 and other writ petitions with regard to
promotion in the cadre of Reader and Professor in Ayurvedic
Medical Science in Government Ayurvedic Medical Colleges.



By order dated 14.01.2015 all the writ petitions were allowed with a direction to grant promotion to the writ petitioners, including the petitioner. The petitioner was granted promotion on the post of Reader w.e.f. 06.06.2007 and on the post of Professor w.e.f. 06.06.2012. The petitioner filed MJC No. 2502 of 2015 which was heard along with MJC No. 1147 of 2015. By order dated 20.04.2016 a bench of this court directed the petitioner to make representation to the Principal Secretary, Department of Health, pointing out the reason of his claim and non-consideration thereof. The Principal Secretary would be obliged to inquire into the matter and take appropriate decision within one month, without fail, after hearing the parties and, while passing the order either allowing the relief or disallowing it, he would have to pass the order speaking in nature and get it communicated to the said petitioner. Petitioner would have his remedies as he may be advised against the said order. The Principal Secretary in deference of the directions passed by this court dated 20.04.2016 passed the order dated 16.06.2016 (Annexure-5) and rejected the claim of the petitioner for shifting the date of promotion on the post of Reader from the year 1995 and on the post of Professor from the year 2007.

In my view, the Principal Secretary complied the



order of this court in its true letter and spirit. This court has given liberty to the petitioner to challenge the order of the Principal Secretary, as advised. Therefore, I find that no further action is required against opposite party No.2.

Accordingly, this contempt petition is dismissed with liberty to the petitioner to assail the order (Annexure-5), if at all he is aggrieved, in a fresh writ petition.

(Prabhat Kumar Jha, J)

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