

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17787 of 2011

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DR.BIMAL KUMAR S/O Late Bal Krishna Arya Resident Of-Municipality
Road Madhubani, P.S.-Madhubani, District-Madhubani, At Present Posted As
Tutor Department Of Physiology, Darbhanga Medical College Hospital
Laheriasarai, Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Chief Secretary, Bihar, Patna
2. The Principal Secretary Cum Commissioner, Health Department, Govt. Of Bihar, New Secretariat, Patna
3. The Secretary, Health Department, Government Of Bihar, New Secretariat, Patna.
4. The Secretary, Department Of Health Medical Education And Family Welfare, Government Of Bihar, New Secretariat, Patna
5. The Deputy Secretary, Department Of Health Medical Education And Family Welfare, Government Of Bihar, New Secretariat, Patna
6. The Under Secretary, Department Of Health Medical Education And Family Welfare, Government Of Bihar , New Secretariat, Patna
7. The Bihar Public Commission Through Its Secretary, Baily Road, Patna.
8. The Secretary, B.P.S.C. Baily Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaudhary
For the Respondent/s : Mr.Pavan Kumar

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 18-08-2020

Petitioner has prayed for following relief:-

“ This is an application for issuance of a writ of mandamus directing/commanding the respondent to not to consider and give promotion to the post of Assistant professor from the post of Sr. Resident from the persons who are working as Sr. resident on the garb of Rule 7(iii) (C) of Senior Resident / Tutor and Bihar Medical Education Service



Cadre Recruitment and Promotion Rule, 2008 ignoring the fact that a number of persons including the petitioner are waiting for appointment / promotion to the post of Assistant Professor in their respective Department because they have worked required period as Senior resident and they are fulfilling all other required qualifications for consideration and appointment to the post of Assistant Professor. And also for a direction to the respondents to make necessary amendment in the advertisement dated 20 July 2011. For enabling the other qualified persons to participate in the said selection process.”

It has been submitted on behalf of counsel for the State that by influx of time, present writ petition has become infructuous and is accordingly dismissed. However, if any grievance of the petitioner still survives, liberty reserve to him to take recourse to such remedies as are otherwise available in accordance with law.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2020
Transmission Date	NA

