

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8892 of 2020

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Smt. Sujata Sarkar Mife of Mr. Jaideep Banarjee, Incharge Principal of Nursing Training Institute Under Anugrah Narayan Magadh Medical College Hospital, Gaya, resident of , Amrit Lal Dey Sarkar, Brahmani Ghat, P.O.-G.P.O. Gaya. District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Health Department, New Secretariat, Patna.
4. Director-in-Chief (FW, MCH, Nursing) Health Department, Bihar, Patna.
5. Director, Health Department, Bihar, Patna
6. Executive Director, State Health Samiti, Bihar, Patna.
7. Superintendent Anugrah Narayan Magadh Medical College, Hospital, Gaya.
8. Smt. Amita Kumari, Tutor, Nursing Training Institute in the Campus of Anugrah Narayan Magadh Medical College, Hospital, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 07-04-2022

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“For issuance of an appropriate writ, order or direction for setting aside the order contained in Letter No.3470 dated 07.09.2020 issued by Superintendent, Anugrah Narayan Magadh Medical College, Hospital, Gaya through which Respondent 2 set Smt. Amita Kumari has been appointed as Incharge Principal of Nursing Training Institute till further order till appointment of full time Principal in place of writ Petitioner, Smt. Sujata Sarkar on the ground as if, Smt.



Amita Kumari is a Senior Tutor whereas she is not senior rather junior than to writ Petitioner.”

The petitioner is stated to have been promoted as In-charge Principal at Anugrah Narayan Magadh Medical College Hospital, Gaya on 28.02.2019. Abruptly, petitioner's services have been reverted to the source cadre to the post namely Superintendent *vide* order dated 07.09.2020 (Annexure-4). Perusal of the same, it is evident that such order is without application of mind to the extent in not issuing notice and seeking petitioner's explanation. Moreover, such reversion order has a civil consequence like replacing the petitioner's post and status while continuing junior to the petitioner in the post of Principal. Further, it is to be noted that reverting the petitioner from the post of Principal to that of Superintendent is in violation of Article 311(2) of the Constitution.

In view of the facts and circumstances of the case, the petitioner has made out a case. Accordingly, the present petition is allowed and the impugned order dated 07.09.2020 (Annexure-P/4) is set aside.

The concerned respondent is hereby directed to extend all monetary benefits during the period from 07.09.2020, the date of reversion from the post of Principal to Superintendent till the petitioner is taken back to the post of Principal. In respect of pay to



the post of Principal, the same shall be calculated and disbursed within a period of two months from the date of receipt of this order failing which the petitioner is entitled interest @ 6% per annum. The same shall be paid by the department.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

