

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11498 of 2022

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1. Dr Kunal Kumar Son of Bhim Lal Resident of Village-Tolghar, Beldaria Tola, Keoti, Barbiga, P.S.-Jayrampur, District-Sheikhpura.
 2. Dr Rai Ashish Nath Sahai son of Rai Gyaneshwar Nath Sahai, Resident of Purnia, P.O.-Navratan Hatta, P.S.-Khajanchi Hat, District-Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Secretary, Department of Health, Government of Bihar, Patna.
4. The Special Secretary Department of Health, Government of Bihar, Patna.
5. The Additional Secretary, Department of Health, Government of Bihar, Patna.
6. The Special Secretary, Department of Health, Government of Bihar, Patna.
7. The Deputy Secretary, Department of Health, Government of Bihar, Patna.
8. The Special Works Officer, Department of Health, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Jagjit Roshan, Advocate
For the Respondent/s : Mr Birju Prasad, GP XIII

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 03-11-2022 Heard learned counsel for the petitioners and the respondents.

Petitioners are Post Graduate (for brevity, **PG**) and are serving the State under three years PG bond posting in terms of Government Resolution dated 15.04.2017. The petitioners' prayer before this Court is that they should be given a choice posting since others have been posted as Senior Resident



whereas the petitioners have been posted as Specialized Medical Officers. The petitioners have placed reliance on decision of this Court in the case of ***Dr Shanker Bharti & Others -Versus- State of Bihar & Others*** rendered in ***CWJC No 8269 of 2020*** (Annexure 3). It is submitted that without asking any option from the petitioners, they have been posted and, therefore, this Court should interfere with their posting under order dated 25.07.2022 issued by the Officer on Special Duty in the Health Department, Government of Bihar.

The Court has made a specific query whether there is any allegation of pick and choose and any one, inferior to the petitioners, have been given a better posting? Learned counsel fairly submitted that it is not a case of discrimination. He, however, submits that at least petitioners should have been asked for their choice, and, thereafter, should have been posted. He, however, has not relied upon any provision in the Resolution, or otherwise, in support of such submission. It is, however, submitted that there are posts vacant for which the petitioners have made representation to the authorities and if the same is considered, the petitioners are likely to be given posting of their choice.

The petitioners, thus, have not been able to make out



any case for issuance of direction for their posting as per choice.

Since there is no allegation of discrimination, this Court would observe that petitioners cannot derive any benefit of order passed in the case of ***Dr Shanker Bharti (supra)***.

With liberty to the petitioners to pursue their representation/s, this writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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