

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10275 of 2016

Dr. Jeevan Shankar Verma son of Late Baidyanath Sharan, 402, Shivam Apartment, Near Tilkamanjhi Chowk, District- Bhagalpur.

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, New Secretariat, Patna.
3. The Secretary, Department of Health, Government of Bihar, New Secretariat, Patna.
4. The Additional Secretary, Department of Health, Government of Bihar, New Secretariat, Patna.
5. The Deputy Secretary, Department of Health, Government of Bihar, New Secretariat. Patna.
6. The Under Secretary, Department of Health, Government of Bihar, New Secretariat. Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Sinha, Sr. Advocate Ms.Nutan Sahay, Advocate
For the Respondent/s	:	Mr.Sudhanshu Bhusan, AC to GP-7

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 12-05-2023 Heard Mr. Ajay Kumar Sinha, learned senior counsel assisted by Ms. Nutan Sahay, learned counsel for the petitioner and Mr. Sudhanshu Bhusan, learned AC to GP-7 for the State.

Petitioner in the present case is seeking the following reliefs:-

“1. That this is an application for issuance of a writ of Mandamus directing/ commanding the Respondents to regularize the promotion of the petitioner to the post of Professor in the Department of Eye from the date on which the petitioner joined on the said



post and to pay the consequential benefit from the date of his joining on the said post.”

Learned counsel for the petitioner submits that the petitioner has retired from service in 2007 and even as he was placed at serial no. 1 in the Department of Eye, his name was not considered. Reference in this regard has been made to Memo No. 1217(17) dated 22.11.2003 (Annexure ‘1’).

A counter affidavit has been filed on behalf of respondent nos. 2 to 6. Paragraphs ‘7’, ‘8’ and ‘9’ of the counter affidavit read as under:-

“7. That the further in Paragraph no. 16 of the writ application the petitioner has raised that the services of Dr. Himanshu Kumar Sinha has been regularized to the post of Professor from the date of his joining i.e. 01.12.2003 but in the case of the petitioner his service has not been regularized as yet though he is senior to Dr. Himanshu Kumar Sinha.

8. That it is humbly submitted that admittedly, Dr. Himanshu Kumar Sinha and some others have been given regular promotion with effect from the date of his joining on the post of Professor, eye in the light of the order dated 17.12.2013 passed in CWJC No. 6307/2011 (Dr. Thakur Rameshwar Dayal Sinha & others v/s the State of Bihar & others).

9. That it is humbly submitted that the case of the petitioner is also being examined by



the Department and if the claim of the petitioner is found genuine then, the same would be considered in accordance with law.”

In view of the statement made in Paragraph ‘9’ of the counter affidavit, let the respondents take an appropriate decision in accordance with law within a period of three months from the date of receipt/ production of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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