

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17540 of 2015

Dr. Kumari Uma Pandey D/o Late Jagdish Pandey Resident of Dwarika Mandit Road, West Boring Canal Road, Patna 800001, Presently Posted as Reader in Shalayatantra Department of Govt. Ayurvedic College, Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, at New Secretariat, Patna
2. The Secretary, Department of Health, Government of Bihar, at New Secretariat, Patna
3. The Joint Secretary, Department of Health, Government of Bihar, at New Secretariat, Patna
4. The Under Secretary, Department of Health, Government of Bihar, at New Secretariat, Patna
5. The Director, Indigenous Medicine, Department of Health, Government of Bihar, at New Secretariat, Patna
6. The Departmental Promotion Committee for Gazatted officers of Bihar, headed by Development Commission Commissioner-cum-President of the said Committee, Government of Bihar, Old Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar, Adv.
For the Respondent/s : Mr. Akas Chaturvedi, AC to SC-11

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-10-2023 1. The present writ petition has been filed seeking the following relief(s):-

“I.I. For directing the respondent authorities to consider her case for promotion to the post of Professor along with other similarly situated persons as directed by this Hon'ble Court vide order dated 21-04-2014 passed in CWJC No. 24951 of 2013.

II. For directing the respondent authorities for considering the case of similarly situated persons similarly and not differently, as by doing so, the



petitioner shall be deprived from the benefits of getting any single higher posts like Principal, Director, Deputy Director etc. which used to be followed by promotion only and not be reservation.

III. For that the petitioner (who is 4th in merit) is going to aggrieved by the decision of the respondent authority as by taking decision to grant promotion to the only selected two persons (who are 51th & 86th in merit) on the post of professor during the election period ignoring Hon'ble Court's order, who are at rank of 86 and 51 respectively, the petitioner who is at rank 4 in the merit list, as decided by Bihar Public Service Commission.

IV. For that the case of promotion of the petitioner who is ranked 4th in the merit list, may be considered along with other who are much below from her in rank of merit as consideration of merit published by the BPSC is one of the basis criteria for promotion as per the observation made by the Division bench of this Hon'ble court in LPA No. 759/2012 with LPA 757/2012.”

2. At the outset, the learned counsel for the respondent-State submits that the petitioner has already been granted promotion to the post of Professor, with effect from the date of entitlement vide notification dated 18.04.2016, hence the present writ petition has been rendered infructuous.

3. Nonetheless, the learned counsel for the petitioner



submits that the petitioner has not been placed at the appropriate position in the seniority list, hence she be granted liberty to approach the respondent-authorities for being positioned at an appropriate place in the seniority list. In such view of the matter, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file appropriate representation before the Principal Secretary/Additional Chief Secretary, Department of Health, Government of Bihar, Patna. Liberty so sought is granted.

4. It is needless to state that in case appropriate representation is filed within a period of four weeks from today, the same shall be dealt with in accordance with law and a reasoned and a speaking order shall be passed thereon, within a period of eight weeks, thereafter, by the Principal Secretary/Additional Chief Secretary, Department of Health, Government of Bihar, Patna.

5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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