

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.474 of 2023

Arvind Prasad S/o Arjun Prasad, R/o Bishambharpur Ailoth, Thana-
Musarigharari, Dist- Samastipur, Bihar- 848101 at present working and
Posted as Lecturer R.B.T.S. Govt Homoeo Medical College and Hospital
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through general Administration and personnel department
new Secretariat, Patna.
2. Principal Secretary, Health Department Patna.
3. Special Secretary to the Government, Health Department, (Ayush) Bihar
Patna.
4. Additional Secretary to the Government of Bihar, New Secretariat, Bihar,
Patna.
5. Director Homeopathy Ayush Directorate Prabhari Prashakha, 16 Health
Department, Bihar.
6. Principal of R.B.T.S. Govt Homoeo Medical College and Hospital,
Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali, Advocate
For the Respondent/s : Mr. Anil Kumar Verma, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-04-2023 Heard learned counsel for the petitioner and the State.

Petitioner in the present case is seeking the following

reliefs:-

“(i) For a direction to the respondents authorities no.-3
to publish the Inter Se seniority list of teaching staff of
government R.B.T.S. Govt. Homoeo. M.C.H.
Muzaffarpur and withdraw provisional seniority list
vide its letter no.113 H-1-10/2017-113 (Ayush Chikitsa)
dated 24.01.2020 published for teaching staff of
Government R.B.T.S. Govt. Homoeo. M.C.H.



Muzaffarpur (Annexure-3).

(ii) For a direction to the respondent no.3 to restore and continue the letter no-1700 (Ayush Chitiksha) dated 18.12.2019 issued by Health department Bihar government, Patna. Wherein the petitioner was placed at serial no-12 as per the notification dated 24.04.19 issued by additional secretary to the government of Bihar. (Annexure-2).

(iii) For quashing of the letter no 113 H-1-10/2017-113 (Ayush Chikitsa) dated 24.01.2020 issued by the respondent no-3 whereby and whereunder the petitioner is listed at serial no-16 in 2nd provisional seniority list while he was at serial no-12 at the time of first selected and published provisional seniority list which is mechanical nature and discriminatory. (Annexure-3)

(iv) Any other writ, order and direction as the petitioner is entitled to:-”

It is the case of the petitioner that he was appointed as Medical Officer (Homeopathy) in Additional Primary Health Center in Nazirganj under Primary Health Center Ujiyarpur District-Samastipur. He claims that he worked there from 03.09.2010 to 31.01.2018, he also worked as lecturer in the department of Homeopathy Pharmacy on contractual basis in R.B.T.S. Govt. Homeo, Medical College and Hospital, Muzaffarpur since 02.02.2018 to 26.04.2019 and thereafter he was regularly engaged and is working till date in the department of pharmacy. He claims that he is senior most within the six persons coming from and within serial no.12 to 17 of the



provisional seniority list.

A counter affidavit has been filed. It is stated that the objection submitted by the petitioner against the provisional seniority list dated 24.01.2020 has been duly considered by the three men committee and thereafter only the final seniority list has been published on 09.12.2020.

At this stage, learned counsel for the petitioner submits that in view of the statements made in the counter affidavit, he would seek liberty from this Court to withdraw this writ application and file a fresh writ application challenging the final gradation list/seniority list in accordance with law.

Permission is granted.

This application is dismissed as withdrawn with liberty to the petitioner to seek his remedy against the final seniority list in accordance with law.

(Rajeev Ranjan Prasad, J)

arvind/-

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