

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3479 of 2020

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1. Ashok Kumar, son of Late Ram Sagar Sah, resident of village - Rahsi, Balthi, P.S. Mushahari, District- Muzaffarpur, presently posted as Health Worker, Primary Health Centre, Bochahan, District- Muzaffarpur.
 2. Mukesh Kumar, son of Late Uma Shankar Singh, resident of Sir Ganesh Dutt Road No. 4, Bhagwanpur, P.S. Muzaffarpur Sadar, District - Muzaffarpur, presently posted as Male Ward Worker, Sadar Hospital, Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director - in - Chief, Health Services, Bihar, Patna.
4. The Deputy Secretary- cum- Incharge Officer, Health Department, Government of Bihar, Patna.
5. The Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur, District- Muzaffarpur.
6. The District Magistrate Muzaffarpur, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Birju Prasad (GP13)
		Mr. Ajit Anand, A.C. to GP 13
		Mrs. Shweta Anand, A.C. to GP 13

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 20-04-2024

Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed by the petitioners for quashing the order dated 5.04.2019 passed by respondent no. 5, namely, the Civil Surgeon - cum - Chief Medical Officer, Muzaffarpur, contained in Memo No. 1328 by which respondent no. 5 has rejected the application filed by the



petitioners in pursuance to order dated 22.02.2019 passed in CWJC No.3328 of 2019.

3. Counsel for the petitioners submits that Annexure - B has been attached in the counter affidavit filed by the State whereby it has been indicated that a decision on promotion of the petitioners could not be taken as per Memo No. 2776 dated 12.06.2020. Counsel further submits that in the year 2023, a circular was issued by the General Administration Department Government of Bihar on 13.10.2023 in which the policy with regard to promotion has been taken by the Government.

4. Counsel for the state submits that a counter affidavit has been filed in which Annexure -C has been attached. According to Annexure -C, the State has taken a decision that the meeting for the Departmental Promotion Committee shall be stayed till further order.

5. In the light of the submissions made by the counsel for both parties, it transpires to this Court that the petitioner has filed the present writ petition for setting aside Annexure P/8 that is Memo No. 1328 dated 05.04.2019. It further transpires to this Court that the said Annexure P/8 has already been quashed/set aside vide Annexure - A i.e. is letter no. 371(4) dated 28.04.2020. Therefore, in this view of the matter, the petitioners'



grievance for setting aside Annexure P/8 has already been settled and his case has now become infructuous. So far as the fresh consideration of his promotion is concerned, the department is directed to take a decision in the light of its latest circular No. 1 of 13.10.2023 within 90 days which shall be calculated from the last date of the general election of Lok Sabha 2024.

6. With the aforesaid observation and direction the writ petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	26/04/2024
Transmission Date	NA

