

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4242 of 2017

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1. Dr. Ajay Kumar Singh Son of Sri Amar Nath Singh, Resident of Flat No. 203, Shivam Apartment, Mohalla Saidpur, P.s. Kadamkuan, District Patna, Bihar.
 2. Dr. Amarendra Kumar Singh, Son of Late Ram Narayan Singh, Resident of Flat No. 106, MIG, Hanuman Nagar, P.S. Patrakar Nagar, District Patna, Bihar.
 3. Dr. Shailendra Kumar Bibhuti, Son of Sri Hari Narayan Prasad Bibhuti, C/o Mohan Singh, Mithila Colony, North Patel Nagar, Road No. 5, P.S. Rajeev Nagar, District Patna, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
5. The Director, Directorate of Indigenous System of Medicine Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate
For the State : Mr. Sanjeet Kumar Singh AC to AAG-6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-04-2024

The petitioners are aggrieved with the Bihar Ayush (Ayurvedic, Unani and Homeopathy) Medical Education Service Rules, 2017 (for brevity, 'the Rules').

2. The Rules were challenged on the ground of being



discriminatory and violative of the fundamental rights guaranteed under the Constitution of India as well as on the ground of being contrary to the established norms of service jurisprudence and being *ultra vires*. The challenge was raised on the ground that there is no assured career progression (ACP) provided under the Rules.

3. Assured Career Progression is a beneficial measure adopted by the employer to mitigate the employees grievance of stagnation in service. No employee can claim a right to an Assured Career Progression Scheme. On if such a scheme is introduced by the State or the appointing authority, the employee gets a claim to seek for the same on the terms in which such career progression is introduced. In the present case, it is the admitted position that on 11.09.2020, career progression scheme was introduced. The petitioners claim that it should be made retrospective.

4. We are unable to countenance the contention of the claim raised for retrospective operation when it is for the employer to decide as to whether there should be a scheme of career progression or not. Definitely, when it is introduced whether it is to be prospective or retrospective also would be within the exclusive domain of the employer.



5. We find absolutely no reason to interfere with the same. However, since the scheme has been introduced on 11.09.2020, we close the writ petition without any orders.

6. The writ petition stands closed as infructuous.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

ranjan/-

AFR/NAFR	NAFR
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