

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10950 of 2023**

Dr. Bharat Prasad S/o Thakur Prasad R/o- Aalapatti, DMC Campus, Ward No.- 27, Ahila, DMC Darbhanga, P.S.- Benta (Lehariasarai), Dist.- Darbhanga, Pin- 846003.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Deputy Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Joint Secretary to the Govt. Department of Health, Govt. of Bihar.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate  
For the Respondent/s : Mr.Nagendra Pd. Yadav ( Sc 23 )

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      26-02-2024                      The present writ petition has been filed seeking the following reliefs:-

*"(i) To issue an appropriate writ, order or direction commanding the respondents to discharge their legal obligation of granting promotion to the Petitioner to the post of Associate Professor with effect from 24.06.1988, the date on which the Petitioner became eligible for being promoted to the post of Associate Professor after completing 5 years of service on the post of Assistant Professor.*

*(ii). To issue an appropriate writ, order or*



*direction commanding the respondents to discharge their legal obligation of granting promotion to the Petitioner to the post of Professor with effect from 24.06.1992, the date on which the Petitioner would have become eligible for being promoted to the post of Professor has he been duly promoted to the post of Associate Professor on 24.06.1988.*

*(iii). To further issue an appropriate writ, order or direction commanding the respondents to pay the Petitioner the entire amount of incremental salary, other financial benefits including post Retiral benefits and allowances in terms of the pay scale for Associate Professor, from 24.06.1988 till 24.06.1992 along with the interest at the rate of 18% per annum on such amount, from the date such amounts have become due, till the date of their actual payment.*

*iv. To issue further appropriate writ, order or direction commanding the Respondents to pay the Petitioner, the entire amount of incremental salary, other financial benefits including post Retiral benefits and allowances in terms of the pay scale for Professor, from 24.06.1992 to 31.08.2003 along with the interest at the rate of 18% per annum on such amount, from the date such amounts*



*have become due, till the date of their actual payment.*

*v. To issue further appropriate writ, order or direction commanding the Respondents to pay the Petitioner the entire amount of difference between Retiral benefits i.e., Pension etc. applicable to the post of Associate Professor and Professor from 31.08.2003 till the date of the actual payment along with 18% interest from the date the amounts became due and thereafter pay the Petitioner entire Retiral benefits i.e., Pension etc. as applicable to the post of Professor.*

*vi. This Hon'ble Court may adjudicate and hold that the Petitioner was entitled for promotion to the post of Associate Professor from 24.06.1988 after completion of 5 years of service at the post of Assistant Professor and also that the Petitioner was entitled for promotion to the post of Professor from 24.06.1992.*

*vii. This Hon'ble Court may further adjudicate and hold that it was the duty of the Respondent Authorities to promote the Petitioner to the post of Associate Professor on 24.06.1988 and thereafter to the post of Professor on 24.06.1992, considering his qualification, experience and seniority.*

*viii. This Hon'ble Court may further adjudicate*



*and hold that the Respondents have no authority/jurisdiction to deviate from their earlier decision, as in the case of certain other persons, even junior to the Petitioner, in granting promotion to the post of an Associate Professor after serving on the post of an Assistant Professor for a period of 5 years and to the post of a Professor after serving on the post of an Associate Professor for a period of 4 years.*

*ix. This Hon'ble Court may further adjudicate and hold that the action of Respondents in failing and neglecting to promote the Petitioner to the post of an Associate Professor after completing five years of service as Assistant Professor and thereafter to the post of a Professor after another 4 years of the service is arbitrary, illegal, unreasonable and not sustainable in the eye of law.*

*x. This Hon'ble Court may award the cost of litigation and suitable compensation to the petitioner for the loss and damages caused to him due to inaction on the part of Respondents."*

2. After some arguments, the learned counsel for the petitioner seeks not to press the writ petition, however, seeks liberty on behalf of



the petitioner to approach the respondent-  
authorities for redressal of his aforesaid  
grievances. Liberty, so sought, is granted.

3. The writ petition stands dismissed as not  
pressed.

**(Mohit Kumar Shah, J)**

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