

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16089 of 2024

1. Dr. (Prof.) Kumari Uma Pandey, Daughter of Late Jagdish Pandey, Resident of C/o A. K. Pandey, Dwarika Mandir Lane, West Boring Canal Road, P.S.- Srikrishnapuri, Town and District-Patna-800001 at present posted as Professor cum Head of Department, Shalakyta Tantra Department, Government Ayurvedic College, Patna.
2. Dr. (Prof.) Vijay Shankar Pandey, Son of Late Jamuna Pandey, Resident of Dwarikapuri, Khagaul, Danapur, P.S.- Danapur District Patna- 801105, at present posted as Professor cum Head of Department, Samhita and Siddhant, Government Ayurvedic College, Patna.
3. Dr. (Prof.) Jai Kumar Singh, Son of Sri Ramdhani Singh Resident of Village- Rehiya, P.O- Kandwa, P.S.. Chunar, District Mirzapur (Uttar Pradesh)- 231304 at present posted as Professor cum Head of Department, Agadtantra and Vidhi Ayurved Department, Government Ayurvedic College, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Old Secretariat Patna.
3. The Additional Chief Secretary, Health Department, Government of Bihar, New Secretariat, Patna.
4. The Secretary, Health Department, New Secretariat, Government of Bihar, Patna.
5. The Additional Secretary, Health Department, New Secretariat, Government of Bihar, Patna.
6. The Joint Secretary, Health Department, New Secretariat, Government of Bihar, Patna.
7. The Officer on Special Duty, Health Department, New Secretariat, Government of Bihar, Patna.
8. The Deputy Secretary, Health Department, New Secretariat, Government of Bihar, Patna.
9. The Under Secretary, Health Department, New Secretariat, Government of Bihar, Patna.
10. Dr. Sumeshwar Singh, Son of not known to the petitioners, at present posted as Professor Ras Shastra and Bhaishajya Kalpana, Vibhag, Additional Incharge Prabandhak (Manager) Government Ayurvedic and Yunani Aushadhi Nirmanshala, Patna and In- charge, Superintendent, Government Ayurvedic College and Hospital, Kadam Kuan, P.S. Kadam Kuan, Town and District- Patna.
11. Dr. Mahendra Prasad Singh, Son of not known to the petitioners, at present posted as Professor, Department of Dravyaguna, Government Ayurvedic College and Hospital, Kadam Kuan, P.S. Kadam Kuan, Town and District- Patna.



- 12. Dr. Shyam Sunder Gupta, Son of not known to the petitioners, at present posted as Professor cum Head of Department of Anatomy, Government Ayurvedic College and Hospital, Kadam Kuan, P.S. kadam Kuan, Town and District- Patna.
- 13. Dr. Dipali Sundri Verma, Son of not known to the petitioners, at present posted Professor cum Head of Department of Shalya Tantra, Government Ayurvedic College and Hospital, Kadam Kuan, P.S. Kadam Kuan, Town and District- Patna.

... .. Respondent/s

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Appearance :
For the Petitioner/s : Mr. Amit Shrivastava, Sr. Advocate
Mr. Girish Pandey, Advocate
For the Respondent/s : Mr. K.P. Gupta, GP-10
Mr. Satya Vrat AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2024 Heard Mr. Amit Shrivastava, learned Senior Advocate

for the petitioners and Mr. Satya Vrat, learned Advocate for the

State.

2. The petitioners before this Court are Ayurvedic Medical Officers now Professors working in different Ayurvedic Medical College of the State of Bihar have approached this Court seeking a direction upon the respondents concerned to revise the provisional seniority list issued vide Notification No. 793 dated 31.07.2024 whereby and whereunder, the petitioners have been illegally shown junior to the private respondents, in complete defiance of the Government Circular No. 15784 dated 26.08.1972 as also contrary to the orders of the this Court in CWJC No. 2317 of 2006 and CWJC No. 9885 of 2006 and also the decision passed by the learned Division Bench in L.P.A. No.



759 of 2012 and L.P.A. No. 757 of 2012.

3. Adverting to the materials available on record, especially the Government Resolution and the law declared by this Court, learned Senior Advocate for the petitioners vehemently contended that the provisional merit list prepared by the respondent no.7, apart from contrary to the Government Resolution, is in the teeth of the orders passed by this Court and, as such the same is required to be revised and a fresh final merit list should be published in accordance with law. After some arguments, it has been fairly contended that against the impugned provisional list, the petitioners have filed their respective objections, the copies of which have been placed on record by way of Annexures-P-15, P-15/A, P-15B, P-15/C, P-16, P-16A and P-17 to the writ petition.

4. Learned Senior Advocate for the petitioners drawing the attention of this Court to Annexure-P/4 to the writ petition further contended that the private respondents have been shown much below the petitioners, however, while publishing the provisional merit list, they have been shown senior to the petitioners, in a most arbitrary manner.

5. Learned Advocate for the State submits that since till date the final merit list has not been published, the challenge



to the provisional merit list is required to be considered by the concerned authority.

6. In view of the submissions advanced by the learned Advocates for the respective parties and considering the nature of the dispute, this Court deems it fit and proper to dispose off the writ petition with a direction the concerned respondents to consider the objections of the petitioners filed against the provisional seniority list and take a final decision on the objection(s) of the petitioners, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

7. Needless to observe that while considering the objections of the petitioners, the respondent authorities shall oblige to consider the grounds taken by the petitioners in the objection by passing a reasoned and speaking order.

8. The writ petition stands disposed off with the above direction.

(Harish Kumar, J)

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