

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.999 of 2025**

Dr. Raj Kumar Tandon, Son of Late Narottam Das Tondon, Retired Professor,  
Department of Surgery, Sri Krishna Medical College and Hospital (SKMCH),  
Muzaffarpur, presently resident of Club Road, House No. 440, P.O. Ramna,  
P.S. Mithanpura, District- Muzaffarpur, Pin-841002.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum-Principal Secretary, Health Department, Government of Bihar, New Secretariat, Patna.
2. The Additional Secretary, Health Department, Government of Bihar, New Secretariat, Patna.
3. The Deputy Secretary, Department of Health Medical Education and Family Welfare Department, Government of Bihar, New Secretariat, Patna.

... .. Respondent/s

**Appearance :**

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|----------------------|---|----------------------------|
| For the Petitioner/s | : | Mr. Rajesh Mohan, Advocate |
| For the State        | : | Mr. Bipin Kumar, Advocate  |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2      23-01-2025                      Heard Mr. Rajesh Mohan, learned Advocate for the  
petitioner and Mr. Bipin Kumar, learned Advocate for the State.

2. The petitioner has invoked the jurisdiction of this Court seeking a direction upon the respondents concerned to regularize the *Ad hoc* promotion of the petitioner to the post of Professor, Surgery which is due with effect from 19.01.1996, the date on which the petitioner was accorded *Ad hoc* promotion.

3. Learned Advocate for the petitioner contended that the petitioner was duly appointed to the post of Assistant Professor on 26.08.1974 in the Department of Surgery and



subsequent thereto, he was promoted as Reader with effect from 01.01.1975.

4. The claim of the petitioner was duly considered by the screening committee and finally recommended the case of the petitioner for promotion to the post of Professor, Surgery and the petitioner accorded promotion with effect from 19.01.1996 vide Notification No. 27 (17) (Annexure-P/4 to the writ petition).

5. Despite the aforesaid notification, the petitioner has been allowed promotion to the post of Professor, Surgery only on *Ad hoc* basis. It is the contention of the petitioner that, nonetheless, he has worked as Professor, Surgery for more than five years, as was required for promotion for the said post, but his promotion was not regularized on the said post, due to which he has been deprived from the pension and other emoluments, *qua* the post of Professor.

6. The petitioner superannuated on 31.03.2001, after completion of 58 years of age. The issue as has been raised before this Court, has come up for consideration and set at rest by various decisions of this Court as has been placed in the writ petition vide Annexures P/6 and P/6'A'.

7. The petitioner, on being found that person, identically situated and junior to him have been accorded all the financial benefits by regularizing their promotion, finally



approached before the Service Grievance Redressal Officer, however the claim of the petitioner was turned down and thus the petitioner was compelled to prefer appeal before the Appellate Authority. The Appellate Authority vide order dated 13.06.2024 (Annexure-P/12A) directed the respondent department to place the case of the petitioner before the Departmental Promotion Committee for consideration of regularization of the promotion of the petitioner, but, till date, no steps has been taken.

8. Learned Advocate for the State fairly contended that if the persons junior to the petitioners have been accorded identical relief and their promotions have been regularized with effect from due date. The claim of the petitioner is also required to be considered and disposed off accordingly.

9. Considering the submissions advanced on behalf of the respective parties and taking note of the provisions as enumerated in the Bihar State Litigation Policy, 2011, this Court deems it appropriate to dispose off the present writ petition, with a direction to the respondent no. 2 to consider the claim of the petitioner and pass necessary order in the light of the law settled by this Court, as contained in Annexure P/6 and P/6'A', preferably within a period of 8 weeks, from the date of receipt/production of a copy of this order; in accordance with law.



10. The writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

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