

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12454 of 2021

Dr. Richa Sinha Wife of Dr. Anand Shankar Sharan Singh Resident of Road No.14, Patel Nagar, L.B.S. Nagar P.S.-Shastri Nagar, District-Patna Pin Code-800023

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. Patna University, Patna through its Registrar
3. Vice Chancellor, Patna University, Patna.
4. Registrar, Patna University, Patna.
5. Dr. Anil Kumar Son of Mr. Bengali Singh Presently Posted and Working in the Capacity of In-Charge Chief Medical Officer, Central Dispensary, Patna University, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Abhinav Srivastava, Sr. Advocate
For the State	:	Mr.Madhaw Pd. Yadaw (Gp23)
For the University	:	Mr. Ranjeet Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 21-04-2025

Heard Mr. Abhinav Srivastava, learned Senior
Counsel appearing on behalf of the petitioner; Mr.Madhaw Pd.
Yadaw learned GP 23 for the State and Mr. Ranjeet Kumar
Mishra, learned counsel for the University.

2. Petitioner has *inter alia* prayed for following reliefs
in the paragraphs No.1 of the writ petition:-

*“(i) Issuance of a direction, order or writ,
including writ in the nature of certiorari quashing the
office order dated 18/05/2021 bearing letter no. 117/R
issued by the University, by which, by the orders of the
Vice Chancellor of the University, while relieving the
petitioner from her additional duties as In-Charge
Chief Medical Officer of Patna University, Patna
(hereinafter referred to as "the University"),*



respondent no. 5 has been authorized to perform the duties as In-Charge Chief Medical Officer of the University till further orders in addition to his earlier assigned duties with immediate effect;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the University to take step towards allowing the petitioner to resume her duties in the capacity of In-Charge Chief Medical Officer of the University against which post she had been continuously discharging her duties strictly in accordance with law pursuant to office order dated 13/03/2020 bearing memo no. 434 issued by the University;

(iii) Issuance of a declaration holding that the action on the part of the concerned respondent authorities under the University in relieving the petitioner from discharging the duties as In-Charge Chief Medical Officer of the University and assigning the said duties to respondent no. 5 is highly arbitrary, unreasonable and in blatant disregard and violation of articles 14, 16 & 21 of the Constitution of India as well as the principles of natural justice;

(iv) Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

3. Learned senior counsel appearing on behalf of the petitioner submitted that the petitioner is aggrieved by the manner in which the petitioner has been removed/relieved by the order of the Vice Chancellor from her additional duties as In-charge, Chief Medical Officer of Patna University. The said order was communicated vide Letter No.117 / R dated 18.05.2021 (Annexure 9). He further submitted that the order of the Vice-Chancellor is arbitrary on the ground that the same has been passed without giving adequate opportunity to the petitioner to defend her case and remark insofar as not obeying



the order of seniors will affect her service records. He further submitted that from the action of the Vice-Chancellor, it would appear that he was pre-determined to relieve the petitioner by authorizing respondent no.5 to perform the duties of In-charge, Chief Medical Officer of the University till further orders and same is in violation of Article 14 of the Constitution of India, as well as, the principle of natural justice.

4. A counter affidavit has been filed on behalf of the respondents no.1, the State, duly sworn by the Deputy Director, Higher Education, Patna. It has been stated that while relieving the petitioner from her additional duty as In-charge, Chief Medical Officer of the Patna University, Patna, respondent no.5 was authorized to perform duty as In-charge, Chief Medical Officer of the University till further order in addition to his earlier assigned duty with immediate effect. It has further been informed that appointment of Medical Officer or In-charge, Chief Medical Officer is the responsibility of the University. However, from an information in para 8 of the counter affidavit, it would reveal that there appears some dispute regarding the *inter se* seniority of Medical Officer working in the services of the University. The University has also filed counter affidavit which is on record. It has been reiterated that after relieving the



petitioner from her additional duties as In-charge, Chief Medical Officer of Patna University, respondent no.5 has been authorized to perform the duties as In-charge, Chief Medical Officer of the University till further orders in addition to his earlier assigned duty with immediate effect. In paragraph no.5 it has been alleged that the petitioner failed to respond to the request made by the Vice Chancellor and direction of the University to extend best possible medical assistance to the students, teachers and staff of the university, who were infected in large numbers with Covid 19. The petitioner instead of extending help created all sorts of hurdles with an intention to delay the medical help to the affected persons. Ultimately the University was left with no option than to relieve her and make another senior most medical officer as In-charge to extend at least basic medication to its teachers, students and staff. In another paragraphs, I find that petitioner did not respond to the telephonic request to prepare a contingency plan. The exigency required during Covid 19 for like appointment of 12 doctors, 6 nurses, 6 para medical staffs besides the other equipment as per the information contained in paragraph Nos.7 and 8 thereof. In paragraph no.9, it has been stated that the petitioner in her explanation dated 17.05.2021 accepted to follow the



instructions of the University but did nothing to provide relief to the infected staffs and as such, contingency so required for relieving her and giving additional charge of Chief Medical Officer to Senior most Medical Officer/ Dr. Anil Kumar.

5. Heard the parties.

6. The petitioner in the present writ petition is aggrieved by the order dated 18.05.2021 contained in letter No.117/R issued by the Vice Chancellor of the University. The entire globe was affected by Covid 19 and during the said period, the petitioner was made In-charge, Chief Medical Officer and was also assigned her additional duty to perform duty of In-charge Medical Officer till further orders. The situation demanded to help the humanity in general and in particular, the petitioner who was made In-charge was to take care of students and staff of Patna University. Certain laches were found on her part. The exigency required was to reach out to the helpless immediately and provide at least first aid to save the life. In the present writ petition, the petitioner has not been able to make out a case, as to whether, as a result of such eventuality and the demand of the situation and several SOPs having been issued by the Central Government, as well as, department, the petitioner can be held to be affected in any



manner by the order, by which which she has been relieved and another doctor was appointed to provide immediate help to the affected persons, particularly the doctors themselves, as well as, the staff including the teaching and non-teaching staffs of the University. The arrangement can only be said to be temporary in nature to do needful as per the requirement, which the Globe has faced because of such pandemic. However, I find that so far as intimidating remark made against the petitioner by the authorities of the University, which is contained in the counter affidavit filed on behalf of the respondents no.3 and 4, must be condemned.

7. I find that the petitioner has failed to make out a case for interference in absence of any pleading, as well as, any relief sought that her *inter se* seniority has been affected in absence of preliminary information regarding her entitlement to be posted as Chief Medical Officer, *vis-a-vis* other candidates.

8. The writ petition is accordingly dismissed.

9. Interlocutory Application(s), if any, also stands dismissed.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2025
Transmission Date	NA

