

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.288 of 2025

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Umeshwar Kumar S/o Late Ramdin Prasad, R/o Village and Post- Itawan,
P.S.- Haspura, Aurangabad, District- Aurangabad, Bihar-821420.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Health and Family Welfare Department, Government of Bihar, Patna.
2. The Director in Chief, Health Services, Bihar, Patna.
3. The Regional Deputy Director, Health Services, Magadh Division, Gaya.
4. The Civil Surgeon cum Chief Medical Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Roona, Advocate
For the Respondent/s : Mr. Advocate General

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 15-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following relief/s:-

*“I. For Issuance of an
order/direction/appropriate writ directing the
Respondent No. 4 to consider the case of the
Petitioner for his promotion/posting as Head
Clerk in Civil Surgeon Office, Aurangabad on
the basis of his seniority and also in the light
of order of the Respondents No. 3 as
contained in Annexure-7 whereby Regional*



Dy. Director has directed the Civil Surgeon, Aurangabad to post the Petitioner as Head Clerk in the office of Civil Surgeon, Aurangabad based on his Seniority.

II. For declaration that posting/promotion in clerical cadre without considering the seniority as per gradation list of the clerical cadre of Aurangabad surgency to be unreasonable, arbitrary and bad in the eyes of law.

III. Any other order/orders for which the petitioner is found entitled to in the facts and circumstances of the present case.”

3. Learned counsel for the petitioner submits that the petitioner is entitled for the promotion being senior most person in the department and to be appointed on the post of Head Clerk in the office of Civil Surgeon, Aurangabad. Counsel submits that with regard to the petitioner, decision has been taken at the level of Regional Deputy Director cum Regional Additional Director, Health Services, Magadh Division, Gaya vide Annexure-7 i.e. letter No. 728 dated 05.11.2024. Counsel submits that the petitioner's case has not been considered intentionally.

4. Learned counsel for the State, on the other hand, submits that counter affidavit and supplementary counter



affidavit both have been filed. Counsel submits that Annexure-R-4/C i.e. Order No. 1016(4) dated 25.06.2025 indicates that a committee has already been formed for consideration of the case of the petitioner and others and at the earliest, decision with regard to the petitioner shall be taken place.

5. In response thereof, counsel for the petitioner submits that the writ petition may be disposed off directing the respondent authorities to place his case before the committee and the committee may decide the case of the petitioner for promotion within a stipulated period of time.

6. In the light of the submissions made and the pleadings particularly, Order No. 1016(4) dated 25.06.2025 (annexed as Annexure-R-4/C to the supplementary counter affidavit), it is hereby directed to the Secretary, Health and Family Welfare Department, Government of Bihar, Patna to do all the needful so that the constituted Three Men Committee *vide* Order No. 1016(4) dated 25.06.2025 shall take decision with regard to the petitioner within three months from the date of production of a copy of this order. If the petitioner's grievance is not redressed, then the petitioner shall be at liberty to challenge the said decision of the Committee before the appropriate forum.



7. Accordingly, with the aforesaid direction, this writ
petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

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