
(2003) 05 MP CK 0059
In the Madhya Pradesh High Court
Case No : Writ Petition No. 2903 of 2003

Dr. B.M. Shukla

APPELLANT

Vs

State of Madhya Pradesh and Others

RESPONDENT

Date of Decision : 26-05-2003

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2003) 3 MPHT 373 : (2003) 4 MPLJ 18

Hon'ble Judges : S.S. Kemkar, J

Bench : Single Bench

Advocate : Vijay Naik, for the Appellant; B.M. Mishra, for the Respondent

Final Decision : Dismissed

Judgement

Shantanu Kemkar, J.

Heard Shri Vijay Naik, learned Counsel for the petitioner on the question of admission.

By filing this writ petition under Article 226/227 of the Constitution of India the petitioner has called in question the order of the State Government (Annexure P-1) by which the respondent No. 4 Dr. S.M. Shukla has been ordered to be given the "charge" of the post of Chief Medical and Health Officer, Satna.

As per Counsel for the petitioner, the petitioner was holding the charge of the said post from 16-9-2002 because of retirement of the then Chief Medical and Health Officer Dr. K.B. Singh. Admittedly, the petitioner was not holding the substantive post of Chief Medical and Health Officer, Satna but was only holding the "current work charge" of the said post because of retirement of the officer.

The submission of the Counsel for the petitioner is that, Dr. S.M. Shukla cannot be given "charge" of the said post as he is not qualified because he is merely a Child Specialist.

The grievance of the petitioner is misconceived, the petitioner who was assigned

the charge of the post on retirement of the Officer has no right to make any grievance, because no prejudice is being caused to the rights of the petitioner. The petitioner was not promoted to the said post, and by again taking over charge from him he is not going to be demoted even, thus he has to hand over the charge to respondent No. 4. The judgment relied by the learned Counsel for the petitioner AIR 1998 SC 2005 has got no application to the facts of the present case. The petitioner is neither going to be demoted by the impugned order nor his rights are affected in any manner prejudicial to him.

Thus the petition being devoid of any merits, the same is dismissed summarily.