
(2008) 01 JH CK 0018
In the Jharkhand High Court

Dr. Kameshwar Prasad

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 29-01-2008

Acts Referred:

Citation : (2008) 1 JCR 628

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Judgement

Amareshwar Sahay, J.—Heard.

2. The petitioner, who has now retired during the pendency of this writ application on 31.12.2007 as Associate Professor from Patliputra Medical College, Dhanbad, has filed this writ application for the following reliefs:

(i) For commanding upon the respondents to count the period of the petitioner from 10.3.1976 to 15.12.1988 towards teaching experience as "tutor" and with effect from 16.12.1988 as Assistant Professor for all purposes as per official letter No. 678(I) dated 9.7.1982 read with resolution of the Government dated 6.12.1990 as contained in Memo No. 17/A1-063/881086 (17) inasmuch as admittedly the petitioner has been working on the post of non-tenure resident with effect from 10.3.1976.

(ii) For a direction commanding upon the respondents to give all consequential benefits to the petitioner for promotion to next higher post of Associate Professor in Patliputra Medical College, Dhanbad.

2.1 By filing supplementary affidavit in the year 2003 it has been stated that during the pendency of the writ application, the petitioner was promoted to the post of Associate Professor with effect from 27.4.1998. According to the petitioner he is entitled to get the post of Associate Professor with effect from 16.12.1993. It is stated that the persons junior to the petitioner were promoted to the post of Professor but the same was denied to the petitioner, though he was eligible for the said post. It is also stated that the petitioner has filed

representation to the Secretary, Department of Health and Medical Education, Government of Jharkhand on 4.12.2003 stating in detail about his claim and grievance but no order of any kind has been passed on his representation.

3. Considering the above facts, this writ application is being disposed of by giving liberty to the petitioner to file a fresh representation before the Secretary, Department of Health and Medical Education, Government of Jharkhand stating his claim in details annexing the supporting documents if any, within a period of two weeks from today. If such a representation is filed within the said period, the concerned authority shall determine the claim of the petitioner after considering the relevant facts and documents submitted by the petitioner and pass an appropriate reasoned order in accordance with law within a period of 8 weeks thereafter. It goes without saying that if the claim of the petitioner is found to be genuine, the same shall be provided to him without any further delay.

The writ application stands disposed of with the aforesaid directions and observations.