
(2021) 09 UK CK 0044

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 384 Of 2021

Dr. Nasheema Bano

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 06-09-2021

Acts Referred:

Citation : (2021) 09 UK CK 0044

Hon'ble Judges : Manoj Kumar Tiwari, J;Alok Kumar Verma, J

Bench : Division Bench

Advocate : B.S. Adhikari, Vikas Pandey

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. By means of this writ petition, petitioner has sought following relief:-

(i) Writ order or direction in the nature of Certiorari quashing the impugned Order No. 58/2021-2022 dated 13.07.2021 (Annexure-1) passed by the Respondent No. 3 of giving charge of the post "Medical Officer-Incharge" of Community Health Centre-Gangolihat (Pithoragarh) to the Respondent no. 4 and of giving Drawing & Dispersing power of the post "Medical Officer-Incharge" of Community Health Centre-Gangolihat (Pithoragarh) to the Respondent no. 5

(ii) Writ order or direction in the nature of Mandamus directing the Respondents to give the complete charge of the post "Medical Officer-Incharge" of Community Health Centre-Gangolihat (Pithoragarh) to the petitioner.

2. According to the petitioner, she is senior to respondent no. 4, as she was appointed as Medical Officer (Ordinary Grade) in the year 2018, while respondent no. 4 was appointed as such in the year 2020. In spite of this fact, respondent No.4 has been given charge of In-charge Medical Officer at Community Health Centre, Gangolihat, District Pithoragarh by the impugned order dated 13.07.2021.

3. It is the case of the petitioner that she was appointed as In-charge Medical Officer, whenever said post fell vacant, however, by the impugned order dated 13.07.2021, such charge has been given to much junior person to her, i.e. respondent no. 4.

4. In this regard, petitioner has made a representation to the Competent Authority, i.e. the Chief Medical Officer, Pithoragarh on 22.07.2021, which, according to her, is not being considered. Thus, feeling aggrieved, petitioner has approached this Court.

5. Having regard to the aforesaid facts of the case, the writ petition is disposed of with a direction to the Chief Medical Officer, Pithoragarh to consider petitioner's representation dated 22.07.2021 (Annexure No. 6 to the writ petition) as early as possible, but not later than ten days from today.

6. Mr. Vikas Pandey, learned Standing Counsel for the State is directed to communicate this order to the Chief Medical Officer, Pithoragarh today itself.