

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 980 OF 2005

RAJIV RANJAN SINHA & ORS.

Appellant (s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

(With prayer for interim relief)

WITH Civil Appeal NO. 1335-1336 of 2005
(With office report)

Date: 03/03/2011 This Appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr. Mohit Kumar Shah,Adv.

Mr. Kumar Rajesh Singh, Adv.
Ms. Punam Singh, Adv.
Ms. Niranjana Singh, Adv.

For Respondent(s) Mr. Anil Kumar Jha,Adv.
Ms. Chhaya Kumari, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the signed
order.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 980 OF 2005

RAJIV RANJAN SINHA & ORS.

.....APPELLANTS

Versus

STATE OF BIHAR & ORS.

.....RESPONDENTS

WITH
CIVIL APPEAL NO. 1335-1336 OF 2005

O R D E R

The appellants belong to the Bihar State Health
Service. They were working on deputation as tutors in the
Department of Physiology at Sri Krishna Medical College,

Muzaffarpur.

2. The Health Department fixed the following criteria for the post of tutors/demonstrators:

"5(a). The persons appointed as Demonstrators (Tutors) must get himself/herself registered for Post Graduate degree in the subject within 3 years of his/her appointment. They shall obtain P.G. Degree in the subject within 5 years from the date of appointment failing which his/her appointment as Demonstrator (Tutor) shall cease (only applicable for the post of Demonstrator (Tutor))."

In case the person appointed fails to get himself/herself registered for P.G. Course in the subject within the stipulated period he/she will be transferred elsewhere."

3. By Government notification dated 17.9.2002, the

.....2.
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services of existing tutors working in the Department of Physiology and Preventive and Social Medicines in all the State medical colleges, who did not possess post graduate degrees in the subject concerned, were reverted to the State health services cadre with a direction to join the health department and await posting. The said order was challenged by the appellants, who were working as tutors in the medical college and who did not possess post graduate degrees in the subject. A learned single Judge of the High Court dismissed the writ petition by order dated 10.2.2003. The appeals filed by the appellants were dismissed by the Division Bench by order dated 24.3.2003.

4. When the appellants challenged the order of the High Court, this Court did not stay the operation of the order and the appellants had stood reverted to Health Services Department. In fact, we are informed that one of the appellants has even retired from service. The appellants have not been able to make out any irregularity or

illegality in the order dated 17.9.2002.

The fact that

they did not possess post graduate degrees in the subject

is not disputed. They have been, therefore, rightly

reverted to health services cadre where they do not require

any post graduate degree.

.....3.

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5. We find no error in the order dated 24.3.2003 of the High Court. The appeals are, therefore, dismissed.

.....J.
(R.V. RAVEENDRAN)

New Delhi;
March 03, 2011.

.....J.
(A.K. PATNAIK)