

S.B. Civil Writ Petition No.4458/06

Dr. Mahendra Kumar Agarwal Vs. State & Ors.

Date of Order : 31/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Dinesh Yadav, for petitioner

Instant petition has been filed against the order Ann.4 2<sup>nd</sup> May, 2006 whereby promotions have been made on the recommendation of DPC against the quota of 2005-06 on the post of Junior Specialist [Surgery] on the basis of seniority-cum-merit.

Counsel for petitioner submits that persons junior to him have been promoted and he has been deprived of fair right of consideration. The present dispute, which the petitioner has raised, undisputedly, in my opinion, is appealable under the Act, 1976 which provides an efficacious alternative remedy to the petitioner. No justification has been offered by the petitioner in not availing the remedy available under the statute. In the absence thereof, I am not inclined to exercise extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Consequently, the writ petition stands dismissed on availability of alternative remedy to the petitioner.

[Ajay Rastogi],J.

FRB