

IN THE HIGH COURT OF JHARKHAND AT RANCHI

**L.P.A. No. 501 of 2006**

**with**

**W.P.(S)No. 4958 of 2013**

**with**

**I.A. No. 3089 of 2014**

Dr.Awadhesh Kumar Agrawal ..... Appellant

-Versus-

The State of Jharkhand and ors. ..... Respondents

**CORAM :** **HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR.JUSTICE P.P. BHATT**

...

For the Appellant : M/s Ram Kishore Prasad & P.Jojo,Advs.  
For the State : Mr.Rajesh Kumar, G.P.V  
For the RIMS : Mr.A.K.Singh,Advocate.  
For the Accountant : Mr.S.Shrivastava,Adv.  
General

**Dated 30th June, 2014**

**By Court** The Letters Patent Appeal( LPA No.501 of 2006) has been filed for setting aside the order dated 23.8.2006 passed in W.P.(S) No. 5247 of 2003 by which the learned Single Judge dismissed the writ petition of the petitioner, giving him liberty to prefer representation before the Secretary, Department of Health, Medical Education & Family Welfare, Govt. of Jharkhand, Ranchi, and the said authority, in turn, was directed to consider the representation of the appeal and pass a reasoned order within three months from the date of receipt of representation. It was further directed that if the claim of the petitioner is rejected, the respondents will

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communicate the ground(s) to the appellant within the aforesaid period.

2. Challenging the order passed by the Department of Health, Medical Education & Family Welfare, Govt. of Jharkhand, Ranchi dated 12.2.2013, the petitioner has filed W.P.(S) No.4958 of 2013.

3. The appellant has filed an Interlocutory Application (I.A.No. 3089 of 2014) for withdrawal of L.P.A. No. 501 of 2006 and W.P.(S) No. 4958 of 2013 and granting him liberty to file representation before the Department of Health, Medical Education & Family Welfare, Govt. of Jharkhand, Ranchi.

4. Mr.Ram Kishore Prasad, learned counsel for the appellant has submitted that the appellant be permitted to withdraw L.P.A. No.501 of 2006 and W.P.(S) No. 4958 of 2013 with a liberty to the appellant- Dr.Awadhesh Kumar Agrawal to make a representation before the Department of Health, Medical Education & Family Welfare, Govt. of Jharkhand, Ranchi.

5. Learned counsel appearing for the State of Jharkhand- Mr.Rajesh Kumar has submitted that the appellant has filed another writ petition being W.P.(S) No.3972 of 2012, which was disposed of with certain directions. It is further submitted that while rejecting the claim of the appellant, the State has passed a detailed order, which is under challenge in W.P.(S) No.4958 of 2013 and, therefore granting liberty to the

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appellant to withdraw the Letters Appeal and Writ Petition and making a fresh representation will only be a futile exercise. The learned counsel further submitted that he has objection in granting liberty to the appellant to make a fresh representation, in view of the earlier detailed order passed on 12.2.2013.

6. Mr.A.K.Singh, learned counsel appearing for Rajendra Institute of Medical Sciences, Ranchi(RIMS) reiterates the submissions of the learned counsel for the State and has further submitted that as per the Rules of RIMS, the appellant-petitioner cannot be considered for promotion and raised objection for granting permission for withdrawal of the present Letters Patent Appeal and the Writ petition and giving liberty for filing a fresh representation.

7. However, having regard to the averments made in I.A. No. 3089 of 2014 and also the submissions of Mr.Ram Kishore Prasad, learned counsel for the appellant-petitioner, liberty is granted to the appellant- Dr.Awadhesh Kumar Agrawal to make a representation before the Department of Health, Medical Education & Family Welfare, Govt. of Jharkhand, Ranchi and on such representation the 2nd respondent shall consider the same in accordance with appropriate Rules and pass order, in accordance with law, preferably within a period of six months. The 2nd respondent shall afford an opportunity to the appellant/petitioner before taking a decision. The Respondent no.2 shall also

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communicate the decision to the appellant.

8. I.A. No. 3089 of 2014 is allowed. Consequently, L.P.A. No.501 of 2006 and W.P.(S) No. 4958 of 2013 are also disposed of as withdrawn.

**(R. Banumathi, C.J.)**

**( P.P. Bhatt, J.)**

G.Jha/