

Court No. - 37

Case :- WRIT - A No. - 17939 of 2021

Petitioner :- Dr. Yasmeen Usmani

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Satyaveer Singh, Sr. Advocate

Counsel for Respondent :- C.S.C., Avnish Mishra, Avneesh Tripathi

Hon'ble Alok Mathur, J.

1. Heard Sri H.N. Singh, learned Senior Counsel assisted by Sri Satyaveer Singh, learned counsel for petitioner, learned Standing Counsel on behalf of respondent Nos. 1 & 2, Sri Avnish Tripathi, learned counsel for respondent No. 5 as well as Sri Avnish Mishra, learned counsel for respondent No. 6.

2. It has been submitted by learned Senior Counsel for petitioner that petitioner is a Professor in the Radio-Diagnosis Department and presently she is posted at Shaikh-Ul-Hind Maulana Mahmood Hasan Medical College, Saharanpur and by means of the impugned order dated 24.08.2021, she has been directed to perform duties for four days in a week at the Medical College, Meerut while the remaining two days, she will be working at Saharanpur.

3. Learned counsel for petitioner submits that piquant situation has arisen on account to the fact that between both the medical colleges, the petitioner is only the Professor in the Radio-Diagnosis Department and consequently due to acute shortage of vacancy of specialist in the field of Radio-Diagnosis Department, the services of the petitioner has been divided in the two medical colleges.

4. Learned counsel for respondent on the other hand have supported the impugned order stating that the same has been passed in the public interest as well as in the interest of the patients and consequently she is the only Professor in the Radio-Diagnosis Department she has been asked to perform the duties for four days in a week at Meerut and two days at Saharanpur.

5. It has been submitted that petitioner being a lady commuting 150 k.ms. twice a week is a heavy burden and consequently prays that she may be permitted to resume and continue with her services at Medical College, Meerut.

6. After arguing at some length, learned Senior Counsel for petitioner submits that the grievances of the petitioner shall be substantially met in case she is permitted to make a fresh representation to respondent No. 1 and who may be directed to

consider and decide the same expeditiously in accordance with law.

7. Learned counsel for respondents have no objection, in case such a direction is issued.

8. Accordingly, the writ petition is **disposed of** with a liberty to the petitioner to make a fresh representation before respondent No. 1/Principal Secretary, Medical Education, Government of U.P., Lucknow within two weeks' from today and in case a representation is made before respondent No. 1 within aforesaid time, then the same shall be considered and decided in accordance with law expeditiously, say, within a period of four weeks thereafter and communicate the decision to the petitioner.

9. This Court has an opportunity to notice the present situation where at such senior level in two medical colleges, there is acute shortage of senior staff including post of Professor in the Radio-Diagnosis Department which has led to passing of the impugned order.

10. It also transpires that the said situation is in existence since at least 2018 and for the last two years not much efforts have been made to make fresh appointments to the post of Professor in the Radio-Diagnosis Department and even in case the efforts have been made they have not been successful in filling the vacancy.

11. In light of the above, respondent No. 1 is also directed to personally oversee and make sincere efforts to see that not only at Meerut and Saharnapur but in all the other State medical Colleges Senior level posts are timely advertised and vacancies are filled expeditiously as it directly affects the teaching of the students.

12. This direction is in conformity with the undertaking given by State Government before Hon'ble the Supreme Court in the case of **Writ Petition (s) (Civil) No(s). 634 of 2018 (The State of Bihar Vs. Medcial Council of India & Anr.**

13. A copy of this order shall be communicated to the Principal Secretary, Medical Education, Government of U.P. by the Chief Standing Counsel.

(Alok Mathur, J.)

Order Date :- 20.12.2021/Ravi/-