

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19129 of 2010

=====

Dr. Malini Sinha W/O Dr. Shashidhar Kumar Permanent R/O Mohalla-
Road No. 17, Sri Krishna Nagar, P.S.- Budha Colony, Distt.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through Secretary Health Department, Govt. Of Bihar, Patna
2. The Secretary Health Department, Govt. Of Bihar, Patna
3. The District Magistrate-Cum-Chairman Of District Health Society Samastipur
4. The Civil Surgeon-Cum-Chief Medical Officer-Cum-Member Secretary Of District Health Society, Samastipur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhurjati K. Prasad
For the Respondent/s : Mr. (GA-3)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 16-01-2015 Heard learned counsel for the petitioner and the State.

 Despite indulgence granted no counter affidavit has
been filed.

The petitioner was appointed on contract basis as Medical Officer (Doctor). The contract signed between the petitioner and the respondent(s) has been enclosed as Annexure-1). The same is dated 29.03.2007. Clause 9 thereof deals with leave & holidays and recites that the same shall be admissible as per GOB Rules. It is contended that subsequently the contract of service was extended by the respondent(s). In the meanwhile, the petitioner applied for grant of matrimonial leave initially for three

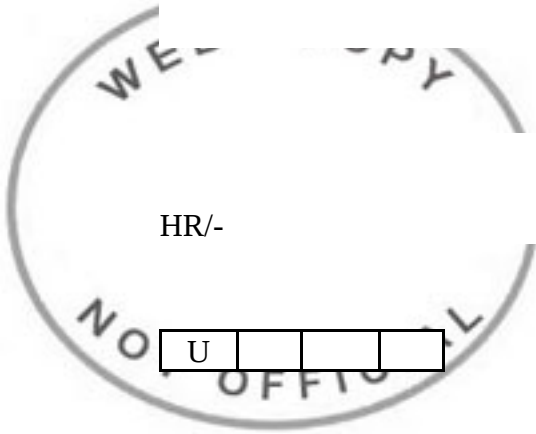


months which was subsequently extended for six months. Upon expiry of the leave she submitted her joining on 11.05.2010 before the Medical Officer In-charge, P.S. Patori. The grievance of the petitioner is that neither the leave has been sanctioned nor the payment of salary for the said period has been made to the petitioner. Enlisting such grievance, she made a representation before the Civil Surgeon-cum-Chief Medical Officer, Samastipur (Annexure-4) which was not heeded to. In those circumstances, she has filed the present writ application seeking a direction upon the respondents to sanction matrimonial leave to the petitioner for the period 10.11.2009 to 10.05.2010 and to pay the salary for the said period.

In my view, the application merits to be disposed of by directing the Civil Surgeon-cum-Chief Medical Officer-cum-Member Secretary of the District Health Society to consider the said grievance of the petitioner on a representation filed in this behalf within four weeks and pass a reasoned order thereon. If the petitioner is entitled to relief for which a request was made the respondent will pass an appropriate order. In the light of the order to be passed on her representation within four weeks from the date of filing, the respondents shall also take all needful steps for authorization of the due(s), if any, depending upon the order to be

passed on the representation.

This disposes of this writ application.



(Kishore Kumar Mandal, J)

HR/-

U			
---	--	--	--