

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1571 of 2010

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Md. Shahabuddin, son of late Hafiz Abdul Bari, resident of village Bhikhachak, P.S. Belaganj, District Gaya, presently posted and working as Principal, Govt. Tibbi College, Kadamkuan, Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, State of Bihar, Patna
2. Joint Secretary cum Director (Indigenous Medicine) Govt. of Bihar, Patna
3. Govt. Tibbi College and Hospital, Kadamkuan, Patna through its member
4. Md. Taufeeque Alam son of Taijab Ansari, resident of Mohalla Alamganj, Peer Vais, P.S. Gulzarbagh, Town and District Patna
5. Md. Zafar Imam, son of Inamul Haque, resident of village Daranpur, P.S. Belaganj, District Gaya

.... Opp.Parties

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Appearance :

For the Petitioner/s : Mr. Shivendra Kishore

For the Respondent/s : Mr. (Sc10)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

3 25-03-2015 Pursuant to the order of this Court dated 30.3.2010 in L.P.A.No. 380/2010 this application has been filed for rehearing C.W.J.C.No. 3044/2009.

In view of above, this application is disposed of with a direction that now C.W.J.C.No. 3044/2009 shall be taken up for rehearing after a period of four weeks.

Since such rehearing is being sought at the instance of respondent no.3 who had not even filed the counter affidavit in the connected writ application, he may now file his counter affidavit or any other affidavit in defence of his action which was sought to be dealt and decided in the judgment of this Court dated

16.3.2009. Such affidavit of respondent no.3 of the writ petition, namely, Md. Shahabuddin, must be filed within a period of two weeks from today.

In the event respondent no.3 shall file such a counter affidavit/ his affidavit in defence of his action relating to appointment of the petitioners, learned counsel for the State shall take instruction and also file counter affidavit not only to the averments made in the affidavit filed by respondent no.3 Md. Shahabuddin but also with regard to the facts and issues raised in the writ application.

Additionally, learned counsel for the State will also be under obligation to produce the records of both the Health Department as also Govt. Tibbi College and Hospital relating to selection and appointment of the writ petitioners, namely, Md. Taufeeque Alam and Md. Zafar Imam.

Put up the writ application, C.W.J.C.No. 3044/2009 on 28th April, 2015 for final disposal.

Let a copy of this order be also given to Mr. Rama Kant Sharma, who was then appearing on behalf of the writ petitioners in C.W.J.C.No. 3044/2009 as well as to Mr. Partha Sarthy, GA XI.

(Mihir Kumar Jha, J)

surendra/-

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