

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.112 of 2014

In

Civil Writ Jurisdiction Case No. 13111 of 2009

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1. The State Of Bihar through the Secretary-Cum-Commissioner, Department Of Medical Education, Family Welfare and Indigenous Medicine, Govt. Of Bihar, New Secretariat, Bihar, Patna
 2. The Secretary-Cum-Commissioner, Department of Medical Education, Family Welfare and Indigenous Medicine, Govt. Of Bihar, New Secretariat, Bihar, Patna
 3. The Additional Secretary, Department Of Medical Education, Govt. Of Bihar, New Secretariat, Patna
 4. The Deputy Secretary, Department of Medical Education, Family Welfare and Indigenous Medicine, Govt. Of Bihar, New Secretariat, Govt. of Bihar, Patna
 5. The Joint Secretary, Department Of Health, Govt. Of Bihar
 6. The Additional Director (Medical Education) Govt. Of Bihar, Patna
 7. The Secretary, Department Of Health, Govt. Of Bihar, Patna
 8. The Director-in-Chief, Health Services, Govt. Of Bihar, Patna

.... Appellants

Versus

Dr. Vishnu Kumari, W/O Sri Dharendra Prasad Singh, R/O- Tilak Nagar, Maripur, Police Station Sadar (Muzaffarpur), Town and District-Muzaffarpur

.... Respondent

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Appearance :

For the Appellants : Mr. P.K. Verma, AAG-5
Mr. Saroj Kumar Sharma, A.C. to AAG-5
For the Respondent : Mr. Anil Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

8 07-04-2015 This Letters Patent Appeal is preferred against the order dated 23.1.2013 passed by the learned single Judge in C.W.J.C. No.13111 of 2009.

Heard learned counsel for the appellants and learned counsel for the respondent.

Learned single Judge has relied upon the judgment

rendered by the Division Bench of this Court in **Dr. Ajit Singh v. The State of Bihar & ors. [2011(3) PLJR 528]**.

Learned counsel for the appellant does not dispute that the subject-matter of this appeal is similar to the one in Dr. Ajit Singh’s case. The reason pleaded for preferring the appeal is that the judgment in Dr. Ajit Singh is subject-matter to SLP (Civil) No.31027 of 2012.

We are of the considered view that since an adjudication has taken place before this Court on merits, it is better to follow the same. In case the judgment in Dr. Ajit Singh’s is reversed by the Hon’ble Supreme Court, naturally the same result will ensue in the present case also.

We, therefore, dismiss the appeal, however, with an observation that the same shall be subject to the outcome of S.L.P. (Civil) No.31027 of 2012.

The interlocutory application, if any, shall also stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Ashwani Kumar Singh, J)

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