

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No 1425 of 2012**

**IN**

**Civil Writ Jurisdiction Case No. 6529 of 2003**

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Dr Suresh Kumar Obeja S/O Shri Ram Prakash Obeja Resident Of D- 44, Nilambar  
Apartment, Ranibagh, Opposite Sainik Vihar, Delhi 110034

.... .... Appellant/s

Versus

1. The State Of Bihar
2. The Health Commissioner cum Secretary, Department Of Health & Family  
Welfare, Govt. Of Bihar, Patna
3. The Additional Secretary, Health, Medical Education and Family Welfare  
Department, Govt, Of Bihar, Patna
4. The Director, Health Services, Bihar, Patna
5. The Joint Secretary to the Govt. Of Bihar, Department Of Health, Patna
6. The Secretary, Department Of Health, Govt. Of Jharkhand, Ranchi

.... .... Respondent/s

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For the Appellant/s : M/s R K P SINGH & A N Vishawas, Advocates

For State of Jharkhand : Mr Dhruba Mukherjee, Sr Advocate with  
Mr Md Nazir Ansari, Advocate

For the State of Bihar : Mr Mayank Rukhiyar, AC to GA I

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**CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH**

**And**

**HON'BLE JUSTICE SMT NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH)**

**Date: 07-08-2015**

The appellant is the unsuccessful writ petitioner who, in this  
intra-Court appeal, has assailed the judgment and order dated  
08.02.2012 passed in CWJC No 6529 of 2003.

**2** We have heard learned counsel for the writ  
petitioner/appellant, learned counsel for the State of Bihar and learned  
counsel for the State of Jharkhand and with their consent, this appeal

is being disposed of at this stage itself.

**3** The writ petitioner/appellant had joined State Health Service in the year, 1977. In 1983, he applied for two years leave to pursue Greener Pasture in the Kingdom of Saudi Arabia (for brevity, KSA). He was granted two years leave. In 1985 when he applied for extension of leave, it was refused and he was directed to join State service. He flagrantly defied the same and abandoned the service to join service in KSA. In 1988, he came back to India and tried to join in MGM College, Jamshedpur where he was last posted. His joining was refused as there was no vacancy for him, he having abandoned the service. He went back to KSA. Again in 1997, he returned and again tried to join. Again, he was not permitted. He was asked to explain his conduct. He challenged the order of the State Government not extending his leave and asking him to join which order was passed on 09.05.2000 in CWJC No 2364 of 1999. Thereafter, he was served chargesheet which was duly responded by the writ petitioner/appellant. Not being satisfied, State dismissed him. He was fully aware of the proceedings and ultimately against the dismissal order passed in the year 2002, he filed this writ petition from which this appeal arises.

**4** Learned Single Judge, in our view, has very thoroughly examined all aspect of the matter and given various findings including

that writ petitioner/appellant was fully aware of the proceedings against him. He had filed his show cause also. In spite of that, he maintained a belligerent attitude abandoning service in preference to Greener Pasture in the KSA.

**5** In our view, the learned Single Judge was correct in dismissing the writ petition.

**6** We, accordingly, find no reason to interfere in the matter. This appeal is dismissed accordingly.

**(Navaniti Prasad Singh, J)**

**M.E.H./-**

**(Nilu Agrawal, J)**

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