

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1405 of 2016

=====

Wajid Akhtar, son of Late Halim Akhtar Firdousi, resident of Mohalla- Hajipur,
P.O. & P.S. - Rafiganj, District - Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. The Civil Surgeon-cum-Chief Medical Officer, Aurangabad.
5. The Deputy Superintendent, Sadar Hospital, Aurangabad.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate

: Mr. Umesh Kumar Verma, Advocate

For the Respondent/s : Mr. Rama Shankar Prasad, AC to GP 7

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 17-03-2016

Heard learned counsel for the petitioner and the State.

2. The petitioner is an Assistant in the office of Civil Surgeon, Aurangabad. He seeks quashing of the order as contained in Memo no. 2348, dated 23.12.2015, whereby he was put under suspension.

3. The petitioner submits that the Drug Controller vide its letter, dated 28.06.2010 requested the Civil Surgeon-cum-Chief Medical Officer, Aurangabad to permit him to work in the office of Drug Inspector, Aurangabad. He further submits that he has become a victim of circumstances as some typographical error has cropped up in order of Civil Surgeon-cum-Chief Medical Officer, Aurangabad, wherein due to inadvertence in place of order, dated

28.06.2010, it has been written as 28.06.2014, which has been corrected by the Civil Surgeon-cum-Chief Medical Officer, Aurangabad vide its memo No.2568, dated 16.9.2014.

4. Counsel for the State submits that the petitioner can take all these pleas in appeal under Rule 23 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.

5. In case, the petitioner files an appeal along with a petition for condonation of delay, the same would be condoned, as the petitioner was pursuing his remedy before this Court.

6. It is expected that the appellate authority would dispose of the appeal within a period of two months from the date of receipt/production of a copy of this order by a speaking order meeting the points raised by the petitioner.

7. With the aforesaid observation, this application stands disposed of.

(Samarendra Pratap Singh, J.)

Uday/-

U			
---	--	--	--