

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 969 of 2012

IN

Civil Writ Jurisdiction Case No 10551 of 2011

- =====
1. The State Of Bihar through the Chief Secretary, Govt. Of Bihar, Patna
 2. The Principal Secretary Health Department, Govt. Of Bihar, Patna
 3. The Principal Secretary Finance Department, Govt. Of Bihar, Patna
 4. The Special Secretary Finance Department, Govt. Of Bihar, Patna

.... Appellant/s

Versus

Dr Siya Ram Pyasa S/O Late Panchu Rajak R/O Ram Shankar Pura, P.S.- Khagaria,
District- Khagaria

.... Respondent/s

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For the Appellant/s : Mr Kumar Pankaj, AC to SC V

For the Respondent/s : Mr Ravi Verma, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HONBLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 01-08-2016

IA No 4356 of 2012 has been filed for condoning the
delay in filing the appeal.

2 For the reasons mentioned in IA No 4356 of 2012,
delay in filing the appeal is condoned.

3 IA No 4357 of 2012 is for stay and IA No 5910 of
2016 is for substitution of the sole contesting respondent who has died
during pendency of the appeal.

4 IA No 5910 of 2016 is allowed.

5 As all the substituted persons have already appeared,

no notice need be issued.

6 By virtue of order dated 22.08.2012 passed in this appeal, this appeal was awaiting the decision of Division Bench in LPA No 852 of 2012. Learned counsel for the respondents places on record the judgment of this Court in *LPA No 852 of 2012* (State of Bihar & Others –Versus- Dr Radha Krishan Chaudhary) and analogous cases decided on 28.06.2016. In these cases, this Court clearly held that once the age of superannuation was increased from 62 to 65 years with effect from 28.01.2011 in respect of Post Graduate doctors of the Bihar Health Service working in Indira Gandhi Institute of Cardiology, Patna, it would equally apply to all doctors of the Bihar Health Service who were either simple MBBS or were Post Graduate or were having qualification of DNB.

7 In view of the aforesaid judgment, this Letters Patent Appeal has to be dismissed holding that the writ petitioner, who was MBBS doctor, would be entitled to get the extension of service from the date of the aforesaid notification with all consequential benefits.

8 With the aforesaid observation and direction, this appeal stands dismissed.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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