

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

**Civil Writ Jurisdiction Case No.18570 of 2015**

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1. Ram Biswas Yadav aged about 62 Years, son of late Muni Lal Yadav resident of Anand Nagar Bettiah, Po and P.s Bettiah District West Champaran Bihar(845438)

.... .... Petitioner/s

Versus

1. The State of Bihar , through the Secretary,Department of Health Services ,Bihar,Patna.
2. Director in Chief ,Health Service ,Bihar,Patna.
3. The Commissioner ,tirhut Division.Muzaffarpur.
4. Regional Deputy Director, Health Services , tirhut Commission, Muzaffarpur.
5. Civil Surgeon west Champaran, Bettiah.
6. Superintendent ,M.J.K.Hospital Bettiah, West Champaran
7. Incharge Medical Officer, Primary Health Centre,Nautan Bettiah, West Champaran.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Respondent/s : Mr. UMA SHANKAR- GP4

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 25-01-2016**

The impugned order contained in annexure-6 passed by the Principal Secretary, Health Department is dated 24.09.2015. This decision is under challenge because the Principal Secretary has rejected the claim of the petitioner for payment of salary for the reasons indicated in the said speaking order. The said speaking order has been passed on the direction of the High Court issued previously in C.W.J.C. No. 3385 of 2014.

At this juncture, this Court can only observe that the department may initiate a departmental enquiry against the petitioner.

They may also enquire about the issue whether the petitioner should be paid salary for the period he went on deputation to the M.J.K. College & Hospital, Bettiah. Findings in the departmental enquiry will be vital for deciding this aspect of the matter. No interference is warranted with the impugned order at this stage. However, if the respondents decide not to hold any departmental enquiry against the petitioner, that is another matter. The petitioner may thereafter assail the decision afresh if the respondents pass an order indicating their desire not to hold an enquiry.

This writ application stands disposed of in terms of the above.

**(Ajay Kumar Tripathi, J)**

Amin/-

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