

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.286 of 2016

Arising out

Civil Writ Jurisdiction Case No. 13486 of 2013

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1. Dasgupta Rupashree, Associate Professor, D/o Shri P B Dasgupta resident of Shree Ram Kuthi, Colony More, Malaypukur, Bhatrapally, P.o.- Nabapally (Sarasat), Pin- 700126 District N 24 PGS (WB) and presently residing at Quarter No. D 5/5 IGIMS Campus, IGIMS, P.S.- Sheikhpura, District- Patna

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Health, Bihar, Patna
3. Indira Gandhi Institute of Medical Sciences, through its Registrar, Sheikhpura, Patna
4. The Registrar, Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna
5. Dr. Arun Kumar, son of Bambahadur Singh, Director, Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna
6. The Administrative Officer, Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna
7. Sri K.N.P. Chourasiya, son of not known, The Assistant Administrative Officer, Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna
8. Board of Governor of I.G.I.M.S. Patna through its Secretary, Patna
9. Hon'ble Health Minister cum Chairman Board of Governor of I.G.I.M.S., Patna
10. Dean I.G.I.M.S. (Academic Cell) Patna

.... Respondents

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Appearance :

For the Appellant/s : Mr. Mrigank Mauli, Advocate

For the Respondent/s : Mr. Deepak Kumar, AC to SC 5

For the Respondent No.5 : Mr. Subodh Kumar Jha, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 23-11-2016

Heard learned counsel for the parties.

The appellant is aggrieved by the order dated 19.08.2015 passed by the learned Single Bench of this Court in C.W.J.C.No. 13486 of 2013 whereby, the prayer for withdrawal of his writ application was declined as the writ application was to be heard along

with C.W.J.C. No.12890 of 2015 filed by respondent No.5.

Learned counsel for the appellant submits that he cannot be forced to continue his writ application to be heard though he prays for withdrawal of the same.

We find that the order of the learned Single Bench in not permitting the appellant for withdrawal of the writ application and forcing the appellant to continue with the writ application which he does not want to press, is not tenable. No person can be compelled to continue with his petition, more so when the withdrawal is unconditional. Consequently, the appeal is allowed and the order dated 19.8.2015 declining to withdraw the writ application vide C.W.J.C.no. 13486 of 2013 is set aside.

The Letters Patent Appeal is, thus, allowed and C.W.J.C.No. 13480 of 2013 is dismissed as withdrawn.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

A.I./-

AFR/NAFR	NAFR
CAV DATE	NA
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