

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13480 of 2009

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Dr. Nirmal Kumar Singh S/O Rameshwar Prasad, Posted As Medical Officer-
Incharge Primary Health Centre, P.O. & P.S.- Sonbarsa, Distt.- Sitamarhi

.... Petitioner

Versus

1. 1. The State Of Bihar Through The Chief Secretary Government Of Bihar,
Old Secretariat, Patna
 2. Principal Secretary Deptt. Of Health, Government Of Bihar, New
Secretariat, Patna
 3. Director Health Services, Government Of Bihar, New Secretariat, Patna
 4. Under Secretary To The Government Health Department Government Of
Bihar, New Secretariat, Patna
 5. District Magistrate Aurangabad
 6. Civil Surgeon-Cum-Chief Medical Officer Aurangabad
 7. Civil Surgeon-Cum-Chief Medical Officer Sitamarhi Respondents
- =====

Appearance :

For the Petitioner : Mr. SURENDRA MISHRA, advocate
Mr. Dineshwar Mishra, advocate

For the Respondents : Mr. (SC17)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL JUDGMENT

Date: 16-05-2016

The petitioner filed the present writ petition for quashing the resolution, dated 8.6.2009, issued under the signature of Under Secretary, Health Department, Government of Bihar, whereby the departmental proceeding has been initiated against him. The petitioner has also prayed for setting aside order, dated 15.9.2009, whereby the Civil Surgeon cum Chief Medical Officer, Sitamarhi has suspended him in view of letter no. 443 dated 20.2.2007.

Subsequent to the filing of the writ petition, IA 2710 of 2016 has been filed for staying the operation of notification dated 18.5.2015 by which the petitioner, who is a pathologist in Primary Health Centre, Sonbarsa, Sitamarhi has been transferred to the post of Paediatrics in SDH Majhaul, Begusarai.

When the case was taken up on 11.4.2016 and

29.4.2016, counsel for the petitioner expressed his helplessness in bringing on record the current status of the proceeding. As such, counsel for the State was asked to seek instruction with respect to present status of the proceeding.

Counsel for the State brings on record a copy of notification contained in memo no. 538(a) dated 12.5.2016. He states that the Health Department, Government of Bihar on conclusion of the departmental proceeding, has inflicted punishment of (a) censure (b) withdrawal of three increments without cumulative effect with further decision that nothing would be paid except the subsistence allowance for the period of suspension and no pay would be allowed for the period of unauthorized absence.

In view of the notification dated 12.5.2016 by which the petitioner has been awarded punishment on conclusion of departmental proceeding, the writ petition is disposed of with liberty to the petitioner to challenge the proceeding as well as order of punishment dated 12.5.2016, if so chooses.

Needless to state that this Court has not expressed any opinion on the merits of the case.

Shashi.
AFR/NAFR
CAV DATE
Uploading Date
Transmission Date

NA
7.6.2016
7.6.2016

(Samarendra Pratap Singh, J)