

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10497 of 2008

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Pradeep Kumar Maurya, son of Mahgu Mahto, resident of Mohalla-Digghi Talaw,
Moti Sen Bagicha, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director-in-chief (Health Service) Department of Health, Bihar, Patna
3. The Deputy Director(Health Service) Department of Health, Bihar, Patna
4. The Civil Surgeon-cum-Chief Medical Officer, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the State : Mr. S.D. Yadav, AAG-IX

Mr. Prem Ranjan Kumar, AC to AAG-IX

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date: 21-09-2017

Seeking similar benefits as has been granted to one Mithilesh Kumar vide order Annexure-3 dated 11.05.1998 in Civil Writ Jurisdiction Case No. 9573 of 1996, the petitioner has filed this petition after ten years of granting benefits to Mithilesh Kumar in the year 1998.

The case of the petitioner and Mithilesh Kumar were that they were appointed in the year 1978 by the Civil Surgeon-cum-Chief Medical Officer, Bhagalpur and were posted in Jagdishpur Primary Health Center Block Bhagalpur. However, on 24.07.1980, the petitioner was transferred to Nimdih Block at Singhbhum, Chaibasa, now in the State of Jharkhand where he joined on 11.09.1980. While



he was so working, a letter was issued by the State Leprosy Prevention Officer, Bihar, Patna on 05.05.1984 to the Civil Surgeon-cum-Chief Medical Officer, Singhbhum, wherein, it was informed that the original appointment of the petitioner and Mr. Mithlesh Kumar were on the basis of forged and fabricated documents and First Information Report was lodged and therefore, action should be taken.

It is the case of the petitioner that F.I.R was lodged, trial was conducted and in Trial No. 20 of 1990 vide Annexure-2, both the petitioner and Mithilesh Kumar were acquitted of the charges. Thereafter, Mithilesh Kumar moved this Court in C.W.J.C. No. 9573 of 1996, wherein directions were issued to permit Mithilesh Kumar to join duties and claiming the similar benefits, the writ petition in question was filed.

Mr. S.D.Yadav, learned counsel for the State submits that this writ petition before this Bench is not maintainable. The petitioner wants mandamus to be issued to the Civil Surgeon-cum-Chief Medical Officer, Singhbhum, where the petitioner is posted. The said officer is not made respondent and the officer under whom the petitioner is working and who is to take action in the matter is also beyond the territorial jurisdiction of this Court, in as much as it is within the jurisdiction of the High Court of Jharkhand. Accordingly, Mr. S.D. Yadav submits that no indulgence into the matter can be



made by this Court.

Learned counsel for the petitioner submits that as already the benefits have been granted to Mithilesh Kumar and petitioner is resident of Gaya, mandamus should be issued and the same relief should be granted to the petitioner as has been granted to Mithilesh Kumar on 11.05.1998 vide C.W.J.C. No. 9573 of 1996.

Mr. Mithilesh Kumar was working in an office falling within the territorial jurisdiction of this Court and the State of Jharkhand was not created at that point of time which was created in the year 2000 much after this order was passed on 11.05.1998.

That being so, now the relief claimed by the petitioner is beyond the territorial jurisdiction of this Court, in the State of Jharkhand, and therefore, petitioner should invoke the jurisdiction of the High Court of Jharkhand wherein the issue can be resolved. Granting liberty to the petitioner to do so, this petition is disposed of.

(Rajendra Menon, CJ)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

