

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18192 of 2016

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Dr. Shyam Sundar Singh son of Sri Aliyar Singh resident of Flat No. 203,
SS Enclave Ashiyana Nagar, P.S.-Rajivnagar, District-Patna at Present
Posted as the Director, Directorate of Indigenous Medicine, Health
Department

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary
2. The principal Secretary, Department of Health, Government of Bihar,
Patna
3. The Joint Secretary, Department of Health, Government of Bihar, Patna
4. The Deputy Director, Directorate of Indigenous Medicine, Government
of Bihar, Patna
5. Sri Nagendra Prasad Son of not Known to the Petitioner the under
Secretary, Department of Health, Government of Bihar, Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Kumar Malendu, Advocate
For the Respondent/s : Mr. Madhuresh Prasad, GP-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 11-04-2017 Heard Mr. Y.V. Giri, learned senior counsel
appearing for the petitioner and Mr. Mritunjay Kumar, Assisting
Counsel to G.P.-12 for the State.

The petitioner initially prayed for restoration of his
financial powers.

A Counter Affidavit is filed and at paragraph-26 to 28,
it is informed that the petitioner is posted against the post of
Director (Homeopathy).

No rejoinder is filed to the counter affidavit rather a
second round litigation is sought to be initiated by the petitioner
by filing an interlocutory application questioning the very



notification of the Health Department bearing No. 1313 dated 26.12.2016, whereby on reorganization of the cadre of Indigenous Medicine, the petitioner has been posted on one of the post of Director (Homeopathy).

In my opinion, this very notification puts an end to the grievance raised in the writ petition insofar as restoration of financial powers is concerned more particularly paragraph-26 and 27 of the counter affidavit which has not been contested by the petitioner.

The grievance of the petitioner as espoused by Mr. Giri, learned senior counsel for the petitioner in reference to the interlocutory application is as regards the posting of the Director General, Indigenous Medicine vide paragraph-4 of the notification dated 26.12.2016 at Annexure-18.

In my opinion, these are fresh facts and may be giving a fresh cause of action but cannot be raised by way of an interlocutory application especially where the principal grievance raised in the writ petition, no more exists.

The writ petition and the interlocutory application are accordingly disposed of.

(Jyoti Saran, J)

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