

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12651 of 2016

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Kapileshwar Yadav, S/o Late Danni Yadav, Resident of Village- Salukheradih,
Post- Salkhua Bazar, P.S.- Salkhua, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary.
2. The Principal Secretary, Health Department, Patna.
3. Chief Malaria Officer, Patna.
4. Civil Surgeon, Saharsa.
5. Civil Surgeon Ranchi, through Chief Secretary State of Jharkhand.
6. District Malaria Officer, Saharsa.
7. District Malaria Officer, Ranch through Chief Secretary State of Jharkhand.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Mallika Mazumdar, Advocate
For the State	:	Mr. Subhash Chandra Mishra, S.C. 16
For the State of Jharkhand	:	Mr. Dhruva Mukherjee and Mr. Md. Nazir Ansari, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-08-2017

Heard learned counsel for the peittioner and the State
of Bihar.

2. Though the petitioner has filed the present case seeking payment of pensionary benefits, from the records, it appears that in the year 1976, his services were terminated by the competent authority at Ranchi, now in the State of Jharkhand.

3. A counter affidavit has been filed on behalf of the State of Bihar, copy of which has been served on learned counsel for the petitioner on 22.12.2016. There is no rejoinder to the same.

4. In view of the fact that till the dismissal of the



petitioner is not interfered with, pensionary benefits being consequential, the same, at this stage, may not be admissible. Moreover, the dismissal being from the authority at Ranchi, the challenge to the same will have to be made before the Court having territorial jurisdiction in the matter.

5. In view thereof, the writ petition stands disposed off with liberty to the petitioner to avail the remedy available to him, in accordance with law, before the appropriate Court/forum.

(Ahsanuddin Amanullah, J.)

P. Kumar

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