

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12859 of 2016

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Alok Kumar Son of Ayodhya Prasad Dubey Resident of Village- Bhediyari Chak,
P.S.- Meshi, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Principal Secretary, Health Department, State of Bihar, Patna.
3. Collector, East Champaran, at Motihari.
4. Civil Surgeon cum Chief Medical Officer, East Champaran Motihari.
5. Incharge Medical Officer, B.H.C. Chhouradano District- East Champaran, Motihari.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Adv.

For the Respondent/s : Mr. Deepak Sahay Jamuar, AC to AAG4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-05-2017

Heard Mr. Mritunjay Prasad Singh, Learned counsel for the
petitioner and Mr. Deepak Sahay Jamuar, AC to AAG-4, for the State.

The petitioner is aggrieved by the order bearing Memo No.
293 dated 6.2.2014 of the Civil Surgeon cum Chief Medical Officer,
East Champaran, Motihari, impugned at Annexure 5, whereby on oral
instructions issued by the Principal Secretary, Health Department that
the petitioner has been put under suspension in view of pending
Vigilance Case No. 96/ 2009.

The pleadings on record would reflect that alongside the
vigilance case a departmental proceeding was also initiated against the
petitioner, the enquiry report of which is placed at Annexure 4 to the
writ petition. The pleadings would further reflect that further enquiry



was conducted in the case of the petitioner, the report of which was submitted by the Regional Addl. Director, Health Services, Darbhanga Division on 20.7.2016 and the conclusion was subsequently forwarded as would reflect from the letter dated 15.9.2016 of the Regional Addl. Director, Health Services, enclosed at Annexure 6 to the supplementary affidavit.

It is the grievance of the petitioner that since after submission of the enquiry report no final orders have been passed by the Civil Surgeon cum Chief Medical Officer, East Champaran and he continues to remain under suspension.

Having heard learned counsel for the parties and considering the stage of the disciplinary proceeding which has followed the suspension order, I deem it proper to dispose of the writ petition with a direction to the Civil Surgeon cum Chief Medical Officer, East Champaran to conclude the disciplinary proceeding by passing final order in accordance with law within a period of three months from the date of receipt/ production of a copy of this order.

It goes without saying that in case no final order is passed within the period stipulated for the reasons not attributable to the petitioner, the Civil Surgeon cum Chief Medical Officer, East Champaran shall consider the prayer of the petitioner for revocation of suspension and dispose of the same in accordance with law within a



period of four weeks thereafter.

With the aforementioned observation and direction, the writ
petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.05.2017
Transmission Date	NA

