

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5338 of 2011

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1. Dr. Gandhi Jha, S/o late Raghav Jha, Residing at 27-Doctor's Colony, Darbhanga Medical College Campus, P.O. & P.S. Laheria Sarai, District- Darbhanga , Presently Posted as Associate Professor Department of Anesthesia, D.M.C.H. Laheria Sarai, District- Darbhanga.
 2. Dr. N.K. Verma, S/o late Nand Kishore Prasad, Residing at Doctor's Colony Mayaganj, Opposite Jawahar Lal Nehru Medical College, District- Bhagalpur, Presently Posted as Associate Professor Department of Anesthesia, J.L.N.M.C.H. Bhagalpur.
 3. Dr. K.K. Verma, S/o late Binda Charan Verma, Resident of Laxmi Bhawan, Pankha Toli, P.O. Ramna, District- Muzaffarpur, Presently Posted as Associate Professor Department of Anesthesia, Bettiah Medical College & Hopital, Bettiah.
 4. Dr. D.K. Mishra, S/o late Janardan Mishra, Resident of Vir Kunwar Singh Colony, P.O. Civil Aerodrome Gaya, District Gaya, Presently Posted as Associate Professor, Department of Anesthesia, Anugrah Narayan Medical College Hospital Gaya, District- Gaya.
 5. Dr. Ashok Kumar, S/o late Basudeo lal Das, Resident of Village Dharhara, P.O. Belbahat, P.S. Simri- Bakhtiyarpur, District- Saharsa, Presently Posted as Associate Professor, Department of Anesthesia, Patna Medical College Hospital, Patna.
 6. Dr. Ajay Simba, S/o Dr. J.N. Verma, Resident of 7 H.F. , 1/19, Bhootnath Ashram Road, Bahadurpur Housing Colony, Patna, Presently Posted as Associate Professor, Department of Anesthesia, V.I.M.S. Pawapuri (Nalanda).
 7. Dr. Shailesh Prasad, S/o Sri Sidheswer Prasad, Resident of North of Nala, North Patel Nagar, Patna , Presently Posted as Assistant(Professor), Department of Anesthesia, A.N.M.C.H. Gaya.
 8. Dr. Bijay Kumar Sinha, S/o Sri Lame Narayan Singh, Resident of C/204, Laxmi Villa Apartment, Mahesh Nagar, Patna, Presently Posted as Assistant Professor, Department of Anesthesia, Nalanda Medical College of Patna.

.... Petitioner/s

Versus

1. Dr. Ashok Kr. Vatsayayan, Son of Ram Shrestha Prasad Singh, Resident of CH/20, Road No. 27 Shrikrishna Nagar, P.S. Budha Colony, Town and District- Patna.
 2. Dr. Shree Niwas Roy, Son of Sri Ram Charitra Roy, Resident of 35, Doctor's Colony, Alalpatti, P.S. Laheria Sarai, District- Darbhanga.
- (Petitioners in the writ petition)/ Respondent 1st Set.
3. The State of Bihar.
 4. The Commissioner-cum-Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
 5. The Additional Commissioner -cum- Special Secretary, Department of Health, Medical Education and family Welfare, Government of Bihar, Patna.
 6. The Deputy Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.

(Respondent 1st Set in the writ petition)/ Respondents 2nd Set.



7. Dr. Hari Narayan Jayaswal, Retired Assistant Professor, Department of Anesthesia, Patna Medical College, Patna.
8. Dr. Sadashiv Pd. Yadav, Retired Assistant Professor, Department of Anesthesia, Patna Medical College, Patna.
9. Dr.(Smt.) Sushila Kumari, Retired from the Department of Anesthesia, Darbhanga Medical College, Laheria Sarai, Darbhanga.
10. Dr. Vinod Kashyap, Assistant Professor, Department of Anesthesia, Patna Medical College, Patna.
- (Respondent 2nd Set in the writ petition)/ Respondent 3rd Set.
11. Dr. Shashi Shekhar Nr. Ojha, S/o Prayambkeshwer Ojha, Anesthetist, D.M.C.H. Laheria Sarai, District Darbhanga.
12. Dr. Arun Kumar, S/o Sri Ram Bahadur Singh, Resident of Boring Road, Patna Asst Professor, Anesthesia, N.M.C.H. Patna(Presently Posted as Director, A G I M Shekhpura , Patna.).
13. Dr. Ashok Kumar Singh, Retired Anesthetist, S. K.K. C.H., Muzaffarpur.
14. Dr. Ajit Kumar, Department of Anesthesia, Rajendra Memorial Institute of Medical Science, Ranchi.
15. Dr. Ram Naresh Sharma, Anesthetist, S.K.M.C.H Muzaffarpur.
16. Dr. Kedar Prasad, retired Anesthetist, DMCH at Laheria Sarai , Distt. Darbhanga.
17. Dr. (Smt.) Nirmala Kumari Srivastava, Retired Anesthetist, DMCH at Laheria Sarai, Distt. Darbhanga.
18. Dr. Yogendra Singh, Retired Anesthetist, P.M.C.H. at Patna.
19. Dr. Rajendra Prasad, Son of Sri Uma Shanaker Prasad, Resident of 403, Santosha Complex, Bander Bagicha, P.S Kotwali , District- Patna.
20. Dr. B.K. Prasad Son of late Sri L.L. Sah Suvida Lok, Naya Tola, Rod Kumhrar, District- Patna.

(Interveners in the writ petition)

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarendra Narayan, Advocate

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 22-08-2017

While disposing of LPA Nos.417 of 2009 and 368 of 2009 by a detailed order passed on 13.07.2011, it was indicated that the petitioners are retired employees, but it is stated in the application that when the matter was decided and disposed of on



13.07.2011, the petitioners were still in service, they had not been retired and, therefore, the said corrections should be made in the Letters Patent Appeal, particularly with regard to Letters Patent Appeal No.417 of 2009.

Keeping in view the aforesaid, we clarify that the observations made in Letters Patent Appeal No.417 of 2009 on 13.07.2011 holding the petitioners and classifying them to be retired employees is an error which is corrected and it is indicated that they were working when the Letters Patent Appeal was decided on the said date, i.e. 13.07.2011.

With the aforesaid classification and modification, this application stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.08.2017
Transmission Date	

