

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.257 of 2015
IN
Civil Writ Jurisdiction Case No. 15916 of 2013**

- =====
1. The State of Bihar.
2. The Principal Secretary, Health Services, Government of Bihar, Patna.
3. The Additional Secretary, Health Services, Government of Bihar, Patna.
4. The Principal, Nalanda Medical College and Hospital, Patna.
- Appellants
- Versus
1. Subodh Kumar S/o Late Baldeo Prasad R/o Mohalla Sheikhpura Bagicha, P.O. - B.V. College, P.S. - Shastri Nagar, District - Patna.
2. Dr. S.K. Karn, Associate Professor, Anatomy, D.M.C.H., Darbhanga.
3. Dr. Binod Kumar, Associate Professor, Anatomy, S.K.M., College, Muzaffarpur.
4. Dr. Ashok Kumar Singh Associate Professor, Anatomy, Vardhman Medical Institute, Pawapuri, Nalanda.
- Respondents
- =====

Appearance :

For the Appellants : Mr. P.N. Sahi, AAG-6
For the Respondent No.1: Mr. Bipin Bihari Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 23-06-2017

Heard learned Additional Advocate General 6 for the
State and counsel for the private respondent No.1.

The only reason why this Court is not willing to
interfere with the impugned order passed by the learned single Judge
dated 16.05.2014 is because the State by its own conduct has
accepted the order of the learned single Judge and implemented it
which will be evident from perusal of Annexure-B and C. The
private respondent was provisionally allowed to join in furtherance
to the impugned order. But subsequently despite a stay order passed



by the Division Bench, formal Notification dated 30th June, 2016 was issued by the Health Department accepting his joining on a substantive basis in Nalanda Medical College. The notification Annexure-C was totally uncalled for.

This Court is not willing to play games with the State and facilitate their oblique motive, in filing the Letters Patent Appeal.

The Letters Patent Appeal is dismissed in the above circumstances.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	NAFR
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