

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2867 of 2017

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Asha Kumari, Wife of Ravindra Prasad singh, Resident of Prasad Apartment, Kali Mandir Road, Hanuman Nagar, P.S. Patrakarnagar, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. Director-in-Chief (Nursing), Department of Health, Government of Bihar, Patna.
3. Superintendent, Nalanda Medical College and Hospital, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Adv.

For the Respondent/s : Mr. Aditya Nath Jha, AC to SC-18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 08-09-2017 Heard Mr. Shiv Kumar, learned counsel for the petitioner and Mr. Aditya Nath Jha, learned AC to SC-18, for the State.

In the nature of the grievance so raised in this writ petition I do not need to await filing of the counter affidavit.

The petitioner prays for an appropriate direction in the nature of mandamus commanding the respondent authorities, more particularly respondent no.2, Director-in-Chief (Nursing), Department of Health, Govt. of Bihar, Patna to take a final decision on her application for voluntary retirement.

Mr. Shiv Kumar, learned counsel for the petitioner, in reference to Annexure 2 has submitted that the application of the petitioner for voluntary retirement was duly forwarded by the



Superintendent, Nalanda Medical College and Hospital, Patna through Annexure 5 before the Director-in-Chief (Nursing). He submits in reference to Annexure 7, which is the letter of Director-in-Chief (Nursing) dated 30.8.2016 that certain clarifications were called for from the Superintendent, Nalanda Medical College and Hospital, which has been duly forwarded vide letter of the Superintendent dated 12.11.2016 present at Annexure 8 to the Director-in-Chief (Nursing) but no final decision has been taken thereon forcing the petitioner to come before this Court.

Having heard learned counsel for the parties and considering that the matter remains pending for final decision before the Director-in-Chief (Nursing), respondent no.2, I deem it proper to allow the writ petition with a direction to the respondent no.2, Director-in-Chief (Nursing), Department of Health, Govt. of Bihar to take a final decision on the request of the petitioner for voluntary retirement preferably within six weeks from the date of receipt/ production of a copy of this order.

The writ petition is, accordingly, allowed.

(Jyoti Saran, J)

Surendra/-

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