

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1476 of 2013
IN
Civil Writ Jurisdiction Case No. 15082 of 2009

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1. The State Of Bihar, Through Health Commissioner, Government of Bihar, Patna
2. The Deputy Director, Health Services, Darbhanga Division, Darbhanga
3. The Civil Surgeon cum Chief Medical Officer, Madhubani
4. The Civil Surgeon cum Chief Medical Officer, Begusarai
5. The In-charge, Medical Officer, Primary Health Centre, Bhagwanpur, Begusarai
..... Appellants

Versus

Awdhesh Prasad S/O Late Raghuvir Prasad Resident of Village Ujjaina, P.O.
Baheri, District Darbhanga
..... Respondent

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Appearance :

For the Appellants : Mr. ABHINAY RAJ
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 19-01-2017

Though the Court is not satisfied with the rationale and the reasoning provided in the petition for condonation of delay, which is I.A. No. 8151 of 2013, but keeping in mind that the order impugned dated 18.12.2009 passed in a batch of writ applications have been set aside in appeal by a Division Bench on 24th September 2014, therefore, in the interest of consistency in justice, the delay is condoned. Matter is heard on the merits.

Keeping in view the rationale and reasoning provided by the Division Bench in the order dated 24th September, 2014 passed in a batch of Letters Patent Appeals, the lead case being



L.P.A. No. 200 of 2010 and other analogous cases, the appeal is allowed.

It is made clear that the decision of the Division Bench will be subject to the outcome of the S.L.A. (C) No. 28306 of 2014, which is under consideration of the Hon’ble Apex Court.

(Ajay Kumar Tripathi, J)

Pawan/-

(Nilu Agrawal, J)

AFR/NAFR	NAFR
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