

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.272 of 2014

In
Civil Writ Jurisdiction Case No. 1318 of 2013

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Anil Kumar, son of Ram Das Sharma, Resident Of Village - Bera P.S. -
Masaurhi, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Sri Deepak Kumar father's name not known to the petitioner Health Commissioner Department of Health And Family Welfare, Government of Bihar, Patna.
2. Sri Sanjay Kumar father's name not known to the petitioner the Secretary, Health and Family Welfare, Government of Bihar, Patna.
3. Dr. Surendra Prasad, father's name not known to the petitioner, the Director In-Chief, Directorate Health Services, Bihar, Patna
4. Indra Deo Ranjan, father's name not known to the petitioner, Tuberculosis Demonstration and Training Center Agam Kuan, Patna.
5. Krishna Kumar Prasad, father's name not known to the petitioner, the Deputy Director, Health Services (Tuberculosis)-Cum-State Program Officer (Tuberculosis) Agam Kuan, Patna.
6. Dr. Amarkant Jha Amar, father's name not known to the petitioner, the Superintendent , Patna Medical College Hospital, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 09-08-2017 *Inter alia* contending that an order passed on 26.02.2013 in CWJC No.1318 of 2013 has not been complied with, this application has been filed for initiating action for contempt.

Petitioner was sent on deputation. Deputation order was withdrawn and challenging the withdrawing the deputation order, the writ petition in question was filed on the ground that the petitioner was an official witness to two transactions of



misappropriation at Patna city, which was subject matter of criminal case, therefore, petitioner wanted to remain on deputation. The learned Writ Court did not agree and held that transfer is an incidence of service, the deputationist has no right to continue on the deputation and, in fact, dismissed the writ petition with an observation that petitioner may represent to the authorities concerned.

Inter alia contending that his representation is not being considered, the contempt application was filed. From the show cause filed by the respondents, it is seen that the representation has been rejected vide order dated 12.03.2013 and petitioner has been posted in the office of the Chief Medical Officer, Vaishali, Hajipur, near to Patna to facilitate him to appear in the Patna Court for evidence.

Keeping in view the aforesaid, it is not a fit case where action for contempt should be initiated. The application is, accordingly, dismissed.

(Rajendra Menon, CJ)

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