

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5273 of 2017

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Dr. Satyendra Sharma, Son of Late Ram Bihari Singh, Resident of Road No. 6 B,
Rajendra Nagar, P.S.- Kadamkuan, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Health and Family Welfare, Govt. of Bihar, Patna.
3. The Director, Health Services, Govt. of Bihar, Patna.
4. The Special Secretary, Department of Health, Govt. of Bihar, Patna.
5. The Joint Secretary, Department of Health, Govt. of Bihar, Patna.
6. The Deputy Secretary, Department of Health, Govt. of Bihar, Patna.
7. The Under Secretary, Department of Health, Govt. of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amit Shrivastava, Advocate
Mr. Ritesh Kumar No.1, Advocate

For the State : Mr. Shashi Shekhar Kumar Prasad, AC to PAAG-2

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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: 13-11-2017

There are two aspects which will be of significance. (1) That the 1997 Rule was amended in the year 2003 and again in the year 2008 as a consequence thereof rights have accrued to the people over a decade so cannot be allowed to be unsettled at mere asking of a person at his convenience. Besides none of the persons, who may be affected by any kind of intervention or interference by the Court have been impleaded as a party respondents.

Both these aspects have significance. Merely because the



petitioner tried to cover the long gap by moving the High Court and sought leave to file a representation before the authorities, both these aspects do not get covered.

In view of the above, the challenge and the effort at assailing Clause-9 of Rule-3 now on the ground of being ultra vires is wholly unsustainable and not based on any serious legal question which requires consideration.

Writ stands dismissed with the above observation.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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