

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.298 of 2016

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Dr. Murari Saran, Son of Late Radhakant Saran, Resident of Mohalla- Bhawanipur Zirat, P.S. Chhatauni, District- East Champaran, presently posted and Working as Homeopathic Medical Officer in Homeopathic Hospital, Kotwa Motihari, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar, Patna.
4. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
5. The Director, Desi Chikitsa, Government of Bihar, Patna.
6. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, East Champaran, District- East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Adv.

For the Respondent/s : Mr. Madanjeet Kumar, GP-20

For the Zila Parishad : Mr. Sanjay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 30-01-2018

The petitioner prays for a direction to the authorities of the Zila Parishad, East Champaran at Motihari to accord him the benefit of the notification bearing No.6745 dated 30.7.2015, whereby the age of the doctors in the State was enhanced from 65 years to 67 years. A copy of the notification is enclosed at Annexure 14 to the writ petition. The petitioner while making such submission has also questioned the order bearing Memo No.451 dated 17.7.2015 of the Deputy Development Commissioner –cum- Chief Executive Officer, Zila Parishad, East Champaran at



Motihari, whereby he was made to retire on attaining 65 years of age with effect from 31.7.2015.

Mr. Anisur Rahman, learned counsel has appeared for the petitioner, the State is represented by Mr. Madanjeet Kumar, learned Government Pleader No.20 and the Zila Parishad is represented by Mr. Sanjay Kumar.

When this matter is taken up for consideration Mr. Rahman, learned counsel appearing for the petitioner informs that the petitioner was allowed to continue on his post until the age of 67 years and has finally superannuated with effect from 31.7.2017. He submits that although the petitioner was allowed to continue on his post but he has not been paid his salary.

A counter affidavit has been filed on behalf of the Zila Parishad in support of the impugned order. However, it does not contain any statement as regarding the continuation of the petitioner until 31.7.2017.

According to Mr. Rahman, for the present the grievance of the petitioner would be limited to payment of salary. Mr. Sanjay Kumar, learned counsel appearing for the Zila Parishad submits that the submission so made does not find mention in the writ petition.

Having heard learned counsel for the parties and considering the stage at which the present proceeding is resting, I



deem it proper to dispose of the writ petition with a liberty to the petitioner to raise his grievance before the Deputy Development Commissioner –cum- Chief Executive Officer, East Champaran at Motihari as taken note of hereinabove and which shall be considered and disposed of by him within a period of three months from the date of receipt/production of a copy of this judgment.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02-02-2018
Transmission Date	NA

