

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1214 of 2015

In
Civil Writ Jurisdiction Case No.12112 of 2012

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1. The State of Bihar.
 2. Director-in-chief, Health Services Government of Bihar, Patna.
 3. Regional Malaria Officer, Bhagalpur Division, Bhagalpur.

... .. Appellant/s

Versus

Pallavi Kumari D/o Manoranjan Chauhary Resident of village Ganesh P.S. K.
Nagar, District- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anjani Kumar, AAG-4

For the Respondent/s : Mr. Ranjan Kumar Jha
Mr. Mirtyunjay Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 26-02-2018

Since on call of this matter none appeared on behalf of the State to press the appeal, while Mr. Ranjan Kumar Jha appeared for the respondent-writ petitioner that on the request of this Court, Mr. Anjani Kumar, learned AAG 4, has assisted the Court in support of the memo of appeal.

2. We have heard the parties.

3. The writ petition was disposed of with direction to the Director-in-Chief, Health Services to pay the legitimate dues of the petitioner within the time stipulated in the order.



4. The only issue that has been raised by Mr. Anjani Kumar to support the appeal is in reference to the statement made at paragraph 9 of the memo of appeal which casts a cloud on the very appointment of the respondent-writ petitioner and has led to institution of an FIR bearing Kotwali P.S. Case No. 396 of 2012 which, according to the appellant, was under investigation when the appeal was filed.

5. It is the submission of Mr. Anjani Kumar, learned AAG-4 that in the nature of doubt arising therefrom, it was not possible to make payment of the dues of the respondent-writ petitioner.

6. Having heard the learned counsel for the parties and in the nature of the direction so issued by the learned Single Judge allowing the Director-in-Chief, Health Services, Govt. of Bihar, Patna, to ensure payment of the '**legitimate dues**' of the petitioner, this Court is of the opinion that in case there was any doubt as to the very appointment of the respondent-writ petitioner, the claim for payment of 'legitimate dues', should have been disposed of by a speaking order.

7. Be that as it may, considering the statement present at paragraph 9 of the memo of appeal, this Court, while allowing the appeal, would modify the judgment and order of the learned



Single Judge passed in CWJC No. 12112 of 2012 to the extent that the Director-in-Chief Health Services, Govt. of Bihar, Patna while considering the claim of the writ petitioner for payment of 'legitimate dues', would consider its admissibility and dispose of the same by a speaking order to be passed within a period of four weeks from the date of receipt/production of a copy of this order and in case the claim is upheld, the petitioner shall be at liberty to claim interest on the claim as allowed by the learned Single Judge.

8. The judgment and order passed in CWJC No.12112 of 2012 stands modified to the extent above.

9. The appeal is allowed to the extent above with no cost.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07. 03.2018
Transmission Date	07. 03.2018

