

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 15424 of 2011

Dr Ram Naresh Kumar S/O Late Shyam Narayan R/O Vill. + P.O. + P.S. - Bind, District - Nalanda

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, THROUGH THE CHIEF SECRETARY, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA
2. THE PRINCIPAL SECRETARY, HEALTH & FAMILY WELFARE DEPARTMENT, GOVT. OF BIHAR, PATNA
3. THE DIRECTOR - IN - CHIEF, HEALTH & FAMILY WELFARE, DEPARTMENT, GOVT. OF BIHAR, PATNA
4. THE UNDER SECRETARY, HEALTH & FAMILY WELFARE DEPARTMENT, GOVT. OF BIHAR, PATNA
5. THE CIVIL SURGEON - CUM - CHIEF MEDICAL OFFICER, KAIMUR AT BHABHUA
6. THE DIRECTOR, PROVIDENT FUND, PANT BHAWAN, BAILEY ROAD, PATNA
7. THE DISTRICT PROVIDENT FUND OFFICER, KAIMUR AT BHABHUA
8. THE ACCOUNTANT GENERAL, BIHAR, PATNA, BIR CHAND PATEL MARG, PATNA

... .. Respondent/s

For the Petitioner/s : Mr Surendra Mishra, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 20-11-2018

Heard learned counsel for the petitioner and the respondent-State.

2 It is submitted by the learned counsel for the petitioner that the issue regarding the dispute of his date of birth stands settled under the order dated 01.10.2010 passed by this Court in *CWJC No 3934 of 2007*. He submits that the order of punishment dated 27.02.2012 is ignoring and in fact contrary to the order dated 01.10.2010 passed by this Court on his earlier writ application.

3 This Court would find that the order has been passed after issuing notices to the petitioner repeatedly. The petitioner



chose not to appear before the authorities even in spite of paper publication of the notice.

4 That being so, this Court would grant liberty to the petitioner to bring the issue regarding the order dated 01.10.2010 passed by this Court in *CWJC No 3934 of 2007* before the authorities by making an application for review as provided under Rule 24 (ii) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005.

5 If such application is filed within four weeks from today, then the authorities will be bound to consider the same on its own merit without raising the issue of delay and would be obliged to dispose of the same within a period of eight weeks thereafter by a reasoned and speaking order in accordance with law.

6 Writ petition stands disposed of.

7 It is, however, made clear that this Court has not expressed any opinion on the merits of the issue.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2018
Transmission Date	NA

