

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6311 of 2013

=====

Lalita Kumari Wife Of Sri Gajendra Sah Resident Of Vill.- Dharhara, P.S.-
Banmankhi, District- Purnea

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Civil Surgeon-Cum-Chief Medical Officer, Purnea
3. The In-Charge Medical Officer, Primary Health Center, K. Nagar, Purnea

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tewari, Advocate

For the Respondent/s : Mr. Divya Verma, AC to AAG 3

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 29-01-2018

The writ petition under Article 226 of the Constitution of India has been filed against initiation of departmental proceeding and by order dated 26.07.2011 the order of suspension was revoked but direction was passed to continue the departmental proceeding.

Petitioner was posted as A.N.M. in the Primary Health Centre K. Nagar, Purnea on 22.12.2010 the sterilization surgery was done in Camp at Health Sub Centre, Gokulpur and there was an order of the authority to remain present in the night in the Centre but contrary to said order petitioner left the centre in night without any permission from the authority and departmental proceeding was initiated against her for said misconduct.



Inquiry Officer found the charges to be proved against petitioner and during pendency of this petition punishment was imposed on petitioner by order dated 25.07.2014 of stoppage of one increment with non-cumulative effect by disciplinary authority. No appeal was filed by the petitioner and punishment order attained finality during pendency of writ petition. Since the final order has been passed in departmental proceeding, as such the present writ petition filed against the initiation of departmental proceeding has become infructuous and, is being dismissed as having become infructuous. However, it shall be over to petitioner to challenge order passed in Departmental Proceeding.

With said observation and liberty writ petition is disposed of.

(S. Kumar, J)

veena/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

