

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 20443 of 2013

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Dr Amrendra Prasad Sinha Son Of Late Chaturbhuj Prasad Sinha Resident Of
Village- Katra, P.O. + P.S.- Katra, District- Muzaffarpur, At Present Tutor (Tenure)
Anatomy Department, Patna Medical College And Hospital, Patna

.... Petitioner/s

Versus

1. The Government of Bihar through the Chief Secretary Govt. Of Bihar, Patna
2. The Principle Secretary, Health Department, Government of Bihar, Patna
3. The Additional Secretary, Health Department, Government of Bihar, Patna
4. The Joint Secretary, Health Department, Government of Bihar, Patna
5. The Under Secretary, Health Department, Government of Bihar, Patna
6. The Deputy Director, Health Services, Bihar, Patna
7. The Secretary, Government Of Home (Jail) Bihar, Patna
8. The District Magistrate, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Surendra Pd Singh, Satyendra Nr Verma,
Advocates

For the S t a t e : Mr Ajit Kr, GA IX with
Mr Vikash Jha, AC to GA IX

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 28-06-2018

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

2 The petitioner has been visited with the punishment of withholding of two increments with cumulative effect and censure. The allegation is that though he had recommended one inmate, namely Deo Narayan Mandal for treatment to the Hospital on 15.01.2005, the said inmate has finally been shifted only after permission dated 03.02.2005, for which the petitioner has been found



responsible for laches.

3 It is the specific case of the petitioner, relying upon the letters dated 20.01.2005, 28.01.2005 which he had written to the authorities for emergent shifting of the ill inmate that when three attempts made by him failed to evince any response from the authorities to take action for shifting the said inmate, he had also requisitioned a tuberculosis specialist for examination on the 01st of February, 2005. thus, he had taken all steps within his means to ensure emergent shifting of the inmate Deo Narayan Mandal for better care and proper treatment.

4 All these specific assertions of the petitioner have not been denied in the counter affidavit filed on behalf of the respondents. The stand of the respondents is that the same is a matter of record. However, peculiar stand has been taken that since the report of the District Magistrate, Madhubani indicated that the petitioner did not make any effort to obtain approval of the Civil Surgeon for shifting the inmate by mentioning critical condition of the patient, the order of punishment is justified. The stand of the respondents in the counter affidavit is that the petitioner's review application is pending before the competent authority for its final disposal.

5 Since the review application is pending, this Court would consider that ends of justice would be met by directing the



Principal Secretary, Health Department, Government of Bihar, Patna
(respondent No 2) to dispose of the same by a reasoned and speaking
order taking into consideration the communications dated 20.01.2005,
28.01.2005 which has been noticed in this order, along with the othr
pleas taken by the petitioner in his review.

6 Final decision on the petitioner’s review application
should be taken within a period of eight weeks from the date of
receipt/production of a copy of this order.

7 Writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2018
Transmission Date	NA

