

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1645 of 2010**

Dr. (Smt.) Asha Singh, W/O Sri Ashok Kumar Singh, R/O Premchand Road,  
Gaurakshani, Sasaram, Distt.- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar through Secretary Cum Health Commissioner, Department of Health, New Secretariat, Baily Road, Patna, Bihar.
2. Under Secretary to the Government, Department of Health, Govt. of Bihar, New Secretariat, Bailey Road, Patna.
3. Dr. Prabhash Chandra, Deputy Director, Department of Health, Government Of Bihar, Patna.
4. Deputy Secretary-Cum-Chief Vigilance Officer, Department of Health, Government Of Bihar, Patna.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Purshottam Kumar Jha, Advocate  
For the Respondent/s : Mr. Niraj Kumar, AC to GA 10

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 30-01-2018**

Having heard learned counsel for the parties at length, when *prima facie*, this Court was of the view that in the impugned action taken with regard to procedural impropriety in conduct of the departmental enquiry against the appellant and finding of guilt recorded by the authority concerned, the learned Writ Court has not committed any error in refusing to interfere with the same which warrants reconsideration, however, learned counsel for the appellant made a reasonable and fair prayer to say that looking to the nature of the allegation made and the fact that in case of two other delinquent employees who were also proceeded against, like



the appellant, namely Dr Onkar Nath Jaiswal in CWJC No.1646 of 1996 and Dr. Uday Shankar Pathak in CWJC No.12040 of 1995, this Court has allowed the writ petitions and remanded the matter back to the departmental authorities, at least in the case of the appellant, liberty shall be granted to her to approach the appellate authority for reconsidering the question of punishment inflicted upon her and to interfere at least with the quantum of punishment.

We find the aforesaid prayer to be reasonable and nothing prevent the appellant from seeking the competent authority for reduction of the punishment imposed upon the appellant.

In view of the above, we grant liberty to the appellant to file a detailed appeal before the appellate authority with a prayer for reduction of the punishment imposed upon her and claim parity with the other delinquent employees. If such an appeal seeking indulgence into the matter with regard to quantum of punishment is made, the appellate authority shall consider the appeal taking into consideration the nature of allegation and the fact that in case of two other delinquent employees, who were also proceeded against like the appellant, namely Dr Onkar Nath Jaiswal in CWJC No.1646 of 1996 and Dr. Uday Shankar Pathak in CWJC No.12040 of 1995, this Court has allowed the writ petitions and remanded the matter back to the authorities concerned, and pass



appropriate order with regard to interfering and modifying with the quantum of punishment within 45 days of its presentation.

With the aforesaid, the appeal stands disposed of.

**(Rajendra Menon, CJ)**

**( Anil Kumar Upadhyay, J)**

Sunil/-

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