

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10911 of 2018

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Bharat Bhushan Thakur Son of Late Jaynandan Thakur Resident of Village -
Thakur Tola Harpur Pusa, Police Station - Pusa, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Patna.
2. The Executive Director, State Health Society, Shekhpura, Patna.
3. The Regional Deputy Director Health Division, Darbhanga.
4. The District Magistrate-cum-Chairman, District Health Society, Samastipur.
5. The Civil Surgeon-cum-Member Secretary, District Health Society, Samastipur.
6. The Incharge Medical Officer Primary Health Centre, Pusa, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Adv.
For the Respondent/s	:	Mr. Mujtabul Haque- GP12
		Mr. Manish Kumar, AC to GP12

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 29-10-2018

Heard learned counsel for the parties.

In the present case, the petitioner is seeking relief that he is a doctor on contractual basis, be allowed to function up to the age of 67 years as wrongly the petitioner has been made to superannuate at the age of 65 years.

It has been submitted that the Government has already taken a decision to extend the age of superannuation on account of dearth of doctors and submitted that the decision is equally applicable to the present petitioner.

The petitioner, at the time of his superannuation, had filed a representation stating that he should be allowed to continue till the age of 67 years as that of the regular doctor of the State Government and the



representation of the petitioner has been sent to the District Health Society, Samastipur for consideration. He has further placed reliance on the resolution of the State Government dated 13.7.2018 (Annexure-B to the counter affidavit) wherein, by way of policy decision, the age of doctors, who have been appointed on contractual basis, having been extended up to the age of 67 years and submitted that by another decision, the Cabinet had stayed the earlier notification dated 18.7.2007 through which the age of superannuation was fixed as 65 years of age and the age of superannuation was extended to up to the 67 years.

The representation filed by the petitioner has already been sent to the State Health Society. Let the Society should dispose of the representation of the petitioner by passing a reasoned order taking into consideration that under the policy, the age of superannuation has been extended from 65 years to 67 years. The Society must take a decision within a period of two months from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.10.2018
Transmission Date	

