

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13425 of 2018

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Surya Kumar Yadav, son of Late Munarik Yadav, resident of Village- Hardiya
Tola Madaila, P.S. Mehandia, District- Arwal, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Govt of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
4. The Director-in- Chief, Health Services, Govt of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the Respondent/s : Mr. Anjani Kumar- AAG-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 24-09-2018

1. By way of this Public Interest Litigation under

Article 226 of the Constitution of India, petitioner has prayed

for the following reliefs:

(i) For issuance of an appropriate writ order and direction commanding the Respondents Principal Secretary Health to institute a high level enquiry into the deeds and misdeeds being committed by one Mukesh Kumar, Pharmacist posted in P.M.C.H., Patna in the matter of filing frivolous applications against his seniors and making false accusation against the bonafide Government Employees working as his seniors.

(ii) To institute a high level enquiry to enquire into the credential of the Shashi Shekhar Singh, son of Shyam Nandan Singh, Resident of Village- Jamunapur, P.O.- Alawalpur, P.S.- Gaurichak, District Patna who had filed frivolous writ application seeking transfer of petitioner and other



Pharmacists vide C.W.J.C. No. 10144/2017 in the guise of PIL.

(iii) To issue further an appropriate writ order and direction commanding the Respondents to consider each and every aspect of the matter at the time of deciding the service condition of the petitioner including transfer, posting, promotions, considering the prime fact that the petitioner is neither name in the Vigilance case as referred by the said Shashi Shekhar Singh in his so called PIL nor there is any complain of any kind against the petitioner and he has been selected by the said Mukesh Kumar simply because of the fact that the petitioner is the senior most Pharmacist posted in the P.M.C.H. And not to take any coercive action against any Pharmacist on the application of Mukesh Kumar or Shashi Shekhar Singh and maintain the status quo with respect to transfer/posting of Pharmacists till the matter is decided by this Hon'ble Court.

(iv) This Hon'ble Court may adjudicate and hold that the Pharmacist Mukesh Kumar who is junior to the petitioner in the cadre and rank has no right to challenge the appointment, transfer, posting of the petitioner and any such move is an act of malafide and requires penal action.

(v) This Hon'ble Court may adjudicate and hold that filing a false frivolous PIL through a fake person, seeking transfer of the Pharmacist by filing a PIL in the name of fake person is an act of malafide apart from an act of cheating and fraud which needs enquiry and action.

(vi) This Hon'ble Court may adjudicate and hold that only because the said Mukesh Kumar Pharmacist desires that all senior Pharmacists



including the petitioner should be transferred from the P.M.C.H., now action should be taken by the Respondent Authorities transferring the said Mukesh Kumar himself from P.M.C.H. to any other place.

(vii) To award any other relief or reliefs for which petitioner is found entitled in the facts and circumstances of the case.

2. Learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present petition.

3. Learned counsel appearing on behalf of the respondents-State has submitted that he cannot have any objection if the petitioner withdraws the present petition. However, has requested, to permit the petitioner to withdraw the petition with cost as the service matter is converted into the Public Interest Litigation.

4. Having heard learned counsel appearing on behalf of the respective parties and reliefs sought in the present petition, learned counsel appearing on behalf of the State is justified in making the grievance that the service matter is tried to be converted into the Public Interest Litigation. However, as the learned counsel appearing on behalf of the petitioner is withdrawing the present petition, we rests the matter there and permit the learned counsel appearing on behalf of the petitioner



to withdraw the present petition, however, with a token cost of Rs.1000/- (one thousand) only to be deposited in the Registry of the High Court within a period of two weeks from today.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Sunil/-s.shukla

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