

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 5068 of 2016

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Dr Nawal Kishore Prasad, aged about 66 years, S/o Late Ram Lakhan Prasad,
R/o- J- Cottage, Langer Toli, P.S.- Kadam Kuan, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Health Department, Bihar, Patna.
3. The Director-in-Chief, Health Department, Bihar, Patna.
4. The Joint Secretary, Health Department, Bihar, Patna.
5. The Under Secretary, Health Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Mukesh Kumar, Advocate
For the S t a t e : Mr Alok Kumar Rahi, AC to AAG IV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 17-10-2019

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

2 Relief, substantially claimed for in the writ petition, hinges upon a declaration of illegality in respect of Notification dated 07.03.2003 whereby petitioner's application for voluntary retirement was accepted. The other relief could be claimed by the petitioner only if the same was to be declared illegal and quashed. The records reveal that 12 years after acceptance of the voluntary retirement, the petitioner has raised his claim for retiral dues earlier in CWJC No 2801 of 2015. From perusal of the order



dated 19.02.2015 (Annexure 3) passed in the said writ proceedings, it is obvious that till that day, the factum of voluntary retirement was accepted by the petitioner.

3 On the established principles of acquiescence, waiver and estoppel as well as delay and laches, relief, to the extent of quashing of the Voluntary Retirement Notification dated 07.03.2003, therefore, cannot be had in the instant proceedings.

4 In so far as the relief to grant of Assured Career Progression and revised pay and leave salary to the petitioner with effect from 11.06.1999 to 06.03.2003, that is an issue for redressal of which the petitioner may approach the appropriate Authority.

5 With liberty, as aforesaid, writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2019
Transmission Date	NA

