

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4731 of 2019

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Dr. Dyanand Singh, S/o Late Raghav Sharan Singh, Vill.- Maharajganj, P.S.-
Maharajganj, Distt.- Siwan, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar
2. The Additional Chief Secretary Home Department, Govt. of Bihar
3. The Inspector General, Prisons and Correctional Service, Govt. of Bihar
4. The Deputy Secretary-cum-Director (Administration) Prison Department,
Govt. of Bihar
5. The D.I.G. (Administration) Prison Department, Govt. of Bihar
6. The Director (Prison Health Service) Govt. of Bihar
7. The Jail Superintendent Siwan

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Dubey, Advocate Ms. Mamta Vijaya, Advocate
For the Respondents	:	Mr. Partha Sarthi (GA-4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 27-03-2019

Heard the learned counsel for the petitioner and
the State.

2. The petitioner was appointed as a Jail Doctor
on contractual basis and served to the satisfaction of all.
After he attained the age of 65 years, the petitioner was
made to retire by order dated 02.01.2019, which is under
challenge.



3. It has been submitted on behalf of the petitioner that vide Resolution of the State Government dated 12.07.2018 contained in Memo No. 810(2), the maximum age limit of such doctors appointed on contractual basis has been increased from 65 years to 67 years. The copy of such resolution has been forwarded to all the concerned officers of the Government including the Executive Director of Bihar Health Society and Finance Department.

4. Without taking note of the aforesaid resolution of the Government, the petitioner has been made to retire after attaining the age of 65 years.

5. It has been prayed on behalf of the petitioner that a direction be issued to the respondents to continue taking services from the petitioner till he attains the age of 67 years.

6. When the petitioner learnt about the aforesaid resolution of the Government and that many such contractual doctors were allowed to continue to work till



the age of 67 years, the petitioner made a representation before the Inspector General of Prisons, Bihar to extend his services vide representation dated 21.01.2019. It has also been shown to this Court that the services of the petitioner were found to be very satisfactory and a certificate also has been given by the Superintendent of Siwan Jail regarding the good services rendered by the petitioner.

7. Taking into account the fact that the Government, in view of providing health services in jail on a continuous basis, has taken a conscious decision of extending the age of such contractual doctors to be 67 years, there is no reason why the aforesaid concession be not extended to the petitioner as well. This Court says so after taking into account the submission on behalf of the petitioner that some of the other doctors who have been appointed on contractual basis are being continued in service till the age of 67 years.



8. Under such circumstances, this Court directs the petitioner to make a fresh representation before the Inspector General, Prisons & Correctional Service, Government of Bihar (respondent no. 3) within a period of two weeks from today. On receipt of such representation, the respondent no. 3 shall pass a reasoned order in accordance with law within a period of six weeks thereafter.

9. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.04.2019
Transmission Date	

