

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7320 of 2015

=====

Anuradha Kumari, Wife of Bhagwati Sahay, Resident of Naya Tola, P.S.-
Basudeopur, District- Munger

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director-in-Chief, Health Department, Government of Bihar, Patna
3. The District Magistrate, Sheikhpura
4. The Civil Surgeon-cum-Chief Medical Officer, Lakhisarai
5. The Civil Surgeon-cum-Chief Medical Officer, Sheikhpura
6. The Incharge Medical Officer, Barbigaha District- Sheikhpura
7. The Incharge Medical Officer, Suryagarha, Lakhisarai
8. The Incharge Medical Officer, Ariyari, Sheikhpura

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : M/s Amit Shrivastava, Ranjan Kumar Srivastava,
Girish Pandey, Advocates

For the Respondent/s : Mr Lokesh KumarSingh, AC to AAG XIII

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 07-05-2019

Heard learned counsel for the petitioner as well as the respondent-State.

2 Writ petition has been filed for quashing the order dated 10.03.2015 issued by the Civil Surgeon-cum-Chief Medical Officer, Luckeesarai. By the said order, confirmed regular service of the petitioner as Auxiliary Nurse Midwifery pursuant to her appointment by the Health Department dated 29.04.1982, has been terminated. By the same order, the Civil Surgeon-cum-Chief



Medical Officer has directed for lodging of first information report against the petitioner for the allegation of submitting forged educational certificates at the time of obtaining appointment.

3 Short submission advanced by the pensioner's counsel is that the order suffers from the fact that it is without jurisdiction as it has been passed by an incompetent authority and is violative of principles of natural justice inasmuch as no proceeding has been conducted on the allegations of submitting forged certificates and the order has been issued terminating the long service of the petitioner without complying with the procedural fairness which is available to a confirmed Government employee.

4 Specific averments have been made in the writ petition. There is no denial in the counter affidavit of the fact that petitioner had not been subjected to a duly constituted departmental proceedings in accordance with law. This ground itself is sufficient to quash the order of the Civil Surgeon-cum-Chief Medical Officer, Luckeesarai dated 10.03.2015, as the same is violative of principles of natural justice.

5 In the circumstances, this Court would not proceed further to go into the issue whether the Civil Surgeon-cum-Chief Medical Officer, Luckeesarai was the competent authority, or that



it was the Department being the Appointing Authority who was only competent to sever the petitioner's relationship with the Department on account of any allegation.

6 Order dated 10.03.2015, which suffers on account of non-compliance with the principles of natural justice and is without any legal basis is quashed. As a result of quashing of the order dated 10.03.2015, petitioner would be entitled to all consequential benefits in accordance with law.

7 Writ petition stands allowed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2019
Transmission Date	NA

