

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 14250 of 2011**

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Sunita Kumari W/o Shashi Bhushan Prasad Singh R/O Sarhan, P.S- Barh,  
Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Health, Government Of Bihar, New Secretariat, Patna
3. Director, Health Services, Govt. Of Bihar, New Secretariat, Patna
4. Civil Surgeon-Cum-Chief Medical Officer, Buxar Distt.- Buxar, Bihar
5. Civil Surgeon-Cum-Chief Medical Officer, Patna

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------------------------------|
| For the Petitioner/s | : | M/s Surendra Kr Singh, Vaibhav Vikram Singh,<br>Advocates |
| For the Respondent/s | : | Mr Sita Ram Yadav, GP XVI                                 |

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**9      02-09-2019**                      Petitioner's counsel is permitted to implead Civil Surgeon-Cum-Chief Medical Officer, Patna as respondent No 5.

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

Petitioner has filed the writ petition with a prayer that the period from 26.12.1991 to 19.02.1995 be considered as a regular service on a notional basis as petitioner had worked in the Department and had wrongly been terminated. Pursuant to orders of this Court passed in CWJC No 5410 of 1992, she came to be reinstated and, therefore, she should be granted notional benefits for the earlier period of service.



Learned State Counsel submits that claiming benefits (salary) for the earlier period, the petitioner had approached this Court in CWJC No 2050 of 1999 wherein this Court had not granted the relief (salary) to the petitioner. Petitioner pursued the matter in LPA No 880 of 2000 and Civil Review No 49 of 2001. All the said proceedings were dismissed and the petitioner's claim for benefits (salary) for the said period now stands concluded in terms of the order passed in the earlier writ proceedings.

Learned counsel for the petitioner points out that the Civil Surgeon-Cum-Chief Medical Officer, Patna, under Communication dated 07.05.2016, has asked the Incharge Medical Officer, Pandarak to verify the services of the petitioner so that her claim for grant of Assured Career Progression (for brevity, ACP)) can be considered by the Authorities. The document has been placed on record by the respondents themselves in the counter affidavit as Annexure A.

This Court would, therefore, observe that in light of the said Communication, respondent-Authorities should finalize the petitioner's claim for grant of the benefits under ACP.

This Court would, therefore, direct respondent No 5 to take a final decision in respect of the petitioner's claim arising



out of Communication dated 07.05.2016 within three months  
from the date of receipt/production of a copy of this order.

Writ petition is disposed of with the aforesaid  
directions.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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