

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9375 of 2019

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Jahir Ahmad Khan @ Jafir Ahamad Khan S/o Khalil Khan Vill. Ward No. 2,
Parna, P.S. and Distt.- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Planning, Govt. of Bihar, Patna
2. The Civil Surgeon Begusarai
3. The District Officer Begusarai
4. The Chief Election Officer Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Sinha
Mr.Amrendra Kumar Sinha No.1

For the Respondent/s : Mr.S. D. Yadav (AAG 9)
Mr. Anil Kumar Verma, AC to AAG 9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 01-05-2019

Heard Mr. Arun Kumar Sinha, learned counsel
appearing for the petitioner and Mr. Anil Kumar Verma, Assisting
Counsel to AAG 9, for the State.

The instant writ petition is filed by way of Public
Interest Litigation. Petitioner seeks to implement the policy



decision of the State Government which permits an officer to continue on his post for a period of three years. It is a grievance raised through public interest litigation that any overstayal by an officer on a post beyond the period only leads to misuse of power and position. Mr. Sinha has invited our attention to the representation at Annexure-5 which is dated 03.06.2018 and the same is in relation to the district of Begusarai with no details.

We are of the opinion that in case the petitioner has chosen to raise the cause of overstayal by the Medical Officers in their respective place of posting, they need to do some research work upon details and, in case any such Medical Officers are wanting either on their discharge of duty or found abusing their position, or are cases of excessive overstayal on the place of posting, they should invite the attention of the Principal Secretary, Health Department with descriptive details. But until they do so we are not persuaded to issue any direction.

It goes without saying that any such representation filed by the petitioner which is self-supportive of the details in connection with the grievance raised would be considered and disposed of in accordance with law by the Principal Secretary, Health Department as and when the same is filed.



With the observations above, we dispose of the writ
petition.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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