

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2761 of 2015

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Krishna Nand Jha S/o Late Bedamand Jha resident of village Parwaha, P.S.
Forbesganj, Distt- Araria,.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director-in-Chief, Health Services, Govt. of Bihar, Patna. null null
3. The Director, Health Services, Govt. of Bihar, Patna.
4. The Additional Director, Health Services, Govt. of Bihar, Patna.
5. The Deputy Director, Health Services, Govt. of Bihar, Patna.
6. The Civil Surgeon-cum-Chief Medical officer, Sitamarhi.
7. The Collector, Sitamarhi.
8. The Chief Malaria Officer, Govt. of Bihar, Patna.
9. The District Malaria Officer, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Singh Mr. Prabhat Kumar Singh Mr. Manisha Singh
For the Respondent/s	:	Mr. Tej Pratap Singh, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 08-07-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Mr. Singh learned senior counsel for the petitioner submits that petitioner's claim for salary (arrears) in the instant writ petition is based on the decision of Division Bench of this court in the case of State of Bihar & ors vs. Sohan Roy & ors reported in 2010(2) PLJR 397. Placing reliance on the said judgment, he submits that his representation dated 05.01.2015 (Annexure 8 to writ petition) pending before respondent no. 9-



District Malaria Officer, Sitamarhi, should be disposed of in light of decision in the case of Sohan Roy(supra).

Claim of the petitioner has to be considered by the said respondent and, therefore, pendency of writ proceedings would be futile.

Respondent no.9 should consider the claim of the petitioner as raised in Annexure 8 having regard to the decision of the Division Bench taken note of hereinabove.

Petitioner is permitted to appear before the District Malaria Officer, Sitamarhi in support of his claim for which respondent no.9 should fix a date. Claim of the petitioner should be considered in accordance with law and final order thereupon be passed positively within a period of three months from the date of receipt/production of a copy of this order. Dues, if found admissible, should also be paid to the petitioner within the same time.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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