

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8866 of 2011

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DR SHREE BHAGWAN SINGH Son Of Shri Ram Naresh Singh Resident Of
Village - Sadar, P.S. Sasaram, District - Rohtas

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Secretary, Health Family Welfare Department, Government of Bihar, New Secretariat, Patna
2. The Joint Secretary Department Of Health And Family Welfare, Government Of Bihar, New Secretariat, Patna
3. The Director-in-Chief, Health Services, Bihar, Patna
4. The Regional Deputy Director Of Health, Patna Division, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Gyan Prakash, Advocate
For the Respondent/s : Ms Ratna Kumari, AC to PAAG II

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 26-08-2019 Heard learned counsel for the petitioner and the respondent-State.

Order dated 25.03.2011 has been challenged whereby the period of 09.04.1992 to 12.03.1997 has been treated as breakage in service and period of 13.03.1997 to 27.07.1997 has been regularized by way of extraordinary leave.

Learned counsel for the State raises an objection regarding availability of remedy against the order under Rule 24 (2) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (for brevity, Bihar CCA Rules).

Learned counsel for the petitioner submits that the



decision suffers from procedural infirmity and that he had adequate documents to show his medical condition for the period of absence which has not been considered in the proceedings.

The issues can well be considered by the Authority exercising jurisdiction of review under Rule 24 (2) of the Bihar CCA Rules.

Since the issue requires consideration based on the documents claimed by the petitioner and since objection regarding so-called alternative remedy of Rule 24 (2) of the Bihar CCA Rules has been raised by the learned State Counsel, this Court would direct that in case petitioner avails his remedy under Rule 24 (2) of the Bihar CCA Rules by way of Memorial, the competent authority should proceed to consider the same on its merits, without raising the issue of delay, in accordance with law by a reasoned and speaking order expeditiously and without any delay.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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