

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17540 of 2019

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1. Dr. (Smt.) Vibhashini Prasad Wife of Dr. Navin Kumar, Director, Patan IVF and Endo Surgery Centre, Opp. P and M Mall, Industrial Estate Road, P.S.-Patliputra Colony, Patna-13
 2. Dr. Navin Kumar S/o Sri Kailash Pati Singh opp. P. and M Mall, Industrial Estate Road, P.S.-Patliputra Colony, Patna-13
 3. Parn IVF and Endo Surgery Centre, through its Director, (Petitioner No.1) Opp. P and M Mall, Industrial Estate Road, P.S.-Patliputra Colony, Patna-13

... .. Petitioner/s

Versus

1. Asst. Director cum Authorised Officer, Employees State Insurnace Corporation, Regional Officer, Panchdeep Bhavan, Jawahar Lal Nehru marg, Patna-800001.
2. Deputy Director, Employees State Insurance Corporation, Regional officer, Panchdeep Bhawan, Jawaharlal Nehru Marg, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mukul Sinha Mr.Rajesh Kumar
For the Respondent/s	:	Mr.Ranjeet Choubey
For ESEC	:	Dr. Anshuman, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-09-2019 Heard learned counsel for the parties.

2. An order passed by the Assistant Director-cum-Authorized Officer, Employees' State Insurance Corporation on 25.03.2019 under Section 45A of the Employees' State Insurance Act, 1948 (hereinafter referred to as 'the Act') is under challenge in the present writ application.

3. This is not in dispute that the said impugned order is appealable under Section 45AA of the Act. Though a



submission has been made by Mr. Mukul Sinha, learned counsel for the petitioner that the order is completely without any jurisdiction and, therefore, this writ application should be maintained, I am not convinced with the said submission, in the light of the fact that the remedy of the petitioner available against the impugned order is statutory in nature. The grounds which have been taken in the writ application to assail the impugned order can be taken before the appellate authority and the appellate authority shall have the jurisdiction to consider such grounds, in accordance with law.

4. In view of the above, this application is disposed of with an observation that the petitioner shall be at liberty to question the correctness of the impugned order by preferring an appeal under Section 45AA of the Act, which shall be entertained, in accordance with law.

(Chakradhari Sharan Singh, J)

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