

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3189 of 2016

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Dwarika Prasad Singh Son of Late Chhattu Prasad Singh, Resident of Village - Jalalpur, P.S. - Hilsa, District - Nalanda, At present address - 216, Amardeep nagar Murgi Farm, Ram Krishna Nagar, post - Delwan, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Health Department Government of Bihar Patna New Secretariat, Patna.
2. The Director - in - Chief, Health Service New Secretariat, Bihar, Patna.
3. The State Drug Controller, New Secretariat, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Prasad Sinha, Advocate

For the Respondent/s : Mr.Rakesh Ranjan, AC to AAG 12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 04-04-2019

The writ petition alleges that the petitioner has been terminated from service under Rule 76 of the Bihar Service Code without issuance of any order of termination of service of the petitioner.

From the records it is apparent that the petitioner had earlier moved this Court by filing CWJC No. 12504 of 2004. Counter affidavit which was filed by the State in those proceedings have been placed on record by the petitioner himself. The same clearly shows that petitioner had been terminated from service due to his absence from 06.07.1994. Whether the termination was made the subject of those writ proceedings arising out of CWJC No. 12504 of 2004, or not is



not evident from the records. Even the order passed in the writ proceedings have been suppressed from this Court in the instant proceedings. The issue of termination has also been raised after inordinate and unexplained delay as the fact of termination was made known to the petitioner long back in the proceedings arising out of CWJC No. 12504 of 2004.

For the reasons indicated herein above, writ petition is barred by delay and laches as also due to suppression of relevant material facts.

Writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

