

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1307 of 2018**

**In**

**Civil Writ Jurisdiction Case No.4469 of 2015**

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Dr. Vinay Krishna Singh son of late Dr Ramji Singh resident of Swami Vivekanand Marg, P.S. Adampur, Bhagalpur.

... .. Appellant/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Department of Health, Government of Bihar, New Secretariat Patna.
3. The Additional Secretary-cum-Disciplinary Authority, Department of Health, Government of Bihar, Patna.
4. The Under Secretary-cum-Enquiry Officer, Department of Health, Government of Bihar, New Secretariat Patna.
5. The Deputy Secretary, Department of Health, Government of Bihar, New Secretariat Patna.
6. The Director-in-Chief, Department of Health, Government of Bihar, New Secretariat Patna.
7. The Civil Surgeon, Sadar Hospital, Distt- Bhagalpur.
8. The Civil Surgeon, Sadar Hospital, Distt-Samastipur.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Bipin Krishna Singh, Advocate  
For the Respondent/s : Mr.S.D.Yadav -AAG-9

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**

**and**

**HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)**

**Date : 26-11-2019**

Heard learned counsel appearing for appellant.

This appeal has been preferred against Judgment dated 13.08.2018 passed in C.W.J.C No. 4469 of 2015 by learned Single Judge of this court by which and whereunder he disposed of the above-stated C.W.J.C No. 4469 of 2015,



remitting back the appeal filed on behalf of appellant (writ petitioner) against the order of Disciplinary Authority for passing a reasoned and speaking order afresh.

Learned counsel appearing for appellant submits that learned Single Judge has not even whispered a single word about the correctness of order passed by Disciplinary Authority, but we are not at all convinced with the aforesaid submission, because the perusal of impugned judgment goes to show that the learned Single Judge remitted the appeal of the appellant to Appellate Authority for passing a fresh order, as the order which was challenged before the learned Single Judge was not speaking order rather the said order was passed in very cryptic manner. The appellant has opportunity to challenge the correctness of order of Disciplinary Authority before Appellate Authority, and, it is not proper for this court to see the correctness of order of disciplinary authority for present.

Accordingly, this appeal stands dismissed on admission stage itself.

**(Hemant Kumar Srivastava, J)**

**( Prabhat Kumar Singh, J)**

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| AFR/NAFR          | AFR        |
| CAV DATE          | NA         |
| Uploading Date    | 03.12.2019 |
| Transmission Date | NA         |

