

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3639 of 2019

In

Letters Patent Appeal No.925 of 2019

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Dr. Narendra Pratap Singh, aged about 59 years (Male), Son of Late Virendra Pratap Singh, Resident of Mohalla-B/17 Peoples Co-operative Colony, Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Sanjay Kumar, Son of not known, the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. Mr. Sanjay Kumar, son of not known, the Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. Mr. Vivekanand Thakur, Son of not known, the Deputy Secretary, Health Department, Govt. of Bihar, Patna.
4. Mr. Ashok Kumar Yadav, Son of not known, the Deputy Director, Health Department, Govt. of Bihar, Patna.
5. Mr. Ashok Kumar Yadav, Son of not known, the Deputy Director, Health Department (Medical Education), Govt. of Bihar, Patna.
6. Dr. U.K. Gupta, son of not known, the Additional Director, Health Department (Medical Education), Govt. of Bihar, Patna.
7. Mr. Vidyapati Chaudhary, son of not known, the Principal, Patna Medical College and Hospital, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Sumit Kumar Jha, Advocate

For the Opposite Party/s : Mr.S.D. Yadav (AAG- 9)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-10-2019 Heard Shri Y.V. Giri, learned senior counsel for the applicant and perused the supplementary affidavit filed today as well as the order posting the petitioner at Pawapuri in the district of Nalanda.

The contention is that this amounts to violating the letter and spirit of the judgment dated 14th August, 2019 in L.P.A. No. 925 of 2019.

We may extract the operative part of the judgment hereinunder:-

“Accordingly, we set aside the impugned judgment dated 25th July, 2019 as well as the order of suspension dated 8th July, 2019 and direct that it shall be open to the State Government to post the appellant commensurate to his present status at any place of its choice and conclude the disciplinary proceedings within three months.

The Letters Patent Appeal stands allowed to the said extent.”

We find from a perusal of the order that there was a



direction to post the applicant commensurate to his present status.

Learned counsel contends that the posting, which has now been made at Pawapuri in the district of Nalanda, is not commensurate to his status nor is there any post available.

This, in our opinion, is a fresh cause of action for which the petitioner-applicant can file a fresh writ petition. No case for issuance of notice is made out. The petition is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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