

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6912 of 2020

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Dr. Narendra Prasad Singh Son of Late Mahendra Prasad Singh, Resident of Road No. 2, Shiv Puri, Patna, Police Station-Shastri Nagar, in the district of Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Additional Secretary, Health Department, Government of Bihar, Patna.
4. The Director-in-chief, Health Services, Government of Bihar, Patna.
5. The District Magistrate-cum-Collector, Nalanda.
6. The Under Secretary, Health Department, Government of Bihar, Patna.
7. The Civil Surgeon-cum-Chief Medical Officer, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar,Advocate
For the Respondent/s : Mr.Ajay Bihari Sinha, GP-19.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 15-10-2020 Heard learned counsel for the petitioner and the State.

The grievance of the petitioner relates to acceptance of his joining and payment of due salary.

The extreme act of malice in law is evident from para-9 of the counter affidavit which is reproduced hereinbelow:-

“9. That it may not be out of place to mention here that the petitioner’s joining on 19.08.2014 but the same was not accepted on account of long absence without sanction of leave. However, the petitioner was directed



to appear before the medical board for his examination to hold whether he is fit to discharge his duty or not? But even after direction he could not appear on the date fixed on several occasion by the medical board for examination. It is relevant to mention here that n the point of acceptance of his joining a guideline was sought by the respondent no. 6 from the principal Secretary, Health Department, Bihar, Patna vide letter no. 5291 dated 18.12.2019, but the same has not been received as yet.”

The petitioner had submitted his joining on 19.08.2014 and after more than five years, the respondent No. 6 sought guidelines from the Principal Secretary of the Health Department vide letter no. 5291 dated 18.12.2019 and the same has not been received as yet. This is how the Health Department is functioning. Doctors are not getting salary on account of indifferent attitude of the respondents. It is a matter of common knowledge that one of the doctors has to commit suicide. The judgment of the Division Bench in the case of **Anil Prasad Gara** case is a sad commentary on the defiant attitude of the Health Department. Only recently a Doctor was not paid salary and he died because of the reluctance of the Department in making payment. The present case is not a different case.



The issue of accepting joining of the petitioner has been kept pending for years together and as such the petitioner has to approach this Court for a direction to the respondents to accept joining.

Mr. Ajay Bihari Sinhya, learned counsel appearing on behalf of the State would submit that the joining was not accepted in 2014 and the petitioner has approached this Court in 2020 and therefore, the Department cannot be said to have shown their indecisiveness in the matter of deciding the issue of joining of the petitioner. The stand is absurd and as such it is rejected.

In view of the above, the respondents are directed to ensure posting of the petitioner forthwith and make payment of all his dues from the date of submission of his joining till the date of posting as the petitioner cannot be made to suffer on account of indecisiveness on the part of the respondents in finalizing the issue of acceptance of joining. In the event the petitioner is not paid for the period the joining was not allowed by the respondents, the respondents shall be obliged to pay interest at the rate of 9% per annum on the due amount from the date of submission of joining i.e. 2014 till the date of actual payment and the same shall be realized from the pocket of



respondent No. 6 and all high ups including the Principal Secretary of the Department who failed to respond on the issue of guideline for acceptance of joining.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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