IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7330 of 2020

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Bagish Mishra, Son of Late Chandradeo Mishra, currently resident of Village-Dumra, P.S.- Kotwan, District-East Champaran, Permanent resident of Rajiv Nagar, Ward No. 14, P.S. Gopalganj Town, District- Gopalganj.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home Affairs, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Director-In-Chief, Department of Health and Family Welfare, Government of Bihar, Patna.
4. The Regional Deputy Director, Mujaffarpur, Bihar.
5. The District Magistrate, East Champaran, Motihari, Bihar.
6. The Civil Surgeon-cum-Chief Medical Officer, East Champaran, Motihari, Bihar.
7. P. K. Sinha, Assistant Additional Chief Medical Officer-cum-Assistant Deputy Superintendent, East Champaran, Motihari.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate
For the Respondent/s : Mr. Kamlesh Kishore, AC to

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

2 15-09-2020 Heard learned counsel for the petitioner and the respondents.

The petitioner is aggrieved by the order as contained in Memo No. 454 dated 03.04.2020 whereby the District Magistrate, Motihari passed the order of registration of F.I.R. for the dereliction of duty and responsibility under the Scheme of Disaster Management Act, 2005, Epidemic Diseases Act, 1897 and Bihar Epidemic Diseases, COVID-19 Regulation 2020 and other relevant provisions of the Indian Penal Code.

At the relevant time, the petitioner was posted at

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District Control Room (Covid-19), Motihari.

Learned counsel for the petitioner submits that the petitioner became unwell, he proceeded on leave at the advice of Doctor, Sadar Hospital, Motihari. Since he was posted in District Covid Control Room, as such action was taken by the Civil Surgeon, Motihari as well as District Magistrate, Motihari.

Learned counsel for the petitioner submits that the principles of natural justice were not followed by the respondents while taking action against the petitioner. The Court is not impressed by such submission. The submission is recorded only to be rejected.

In the situation like Covid, the Court is not expected to enter into the issue raised by the petitioner in the writ application. However, liberty shall be available to him to approach the respondents by submitting explanation and justifying his alleged bed rest on medical advice. On filing such representation/explanation, the respondents shall take appropriate decision at the earliest.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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