IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1416 of 2016
In
Civil Writ Jurisdiction Case No.19938 of 2012

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Kamta Pandit, Son of Late Ganauri Pandit, resident of village- Tharthari, P.S. Koil Bigha, District- Nalanda

... ... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Director-in-Chief, Health Services, Bihar, Patna
3. The Additional Director, Health Services, (F.W.), Bihar, Patna
4. Civil Surgeon-cum-Chief Medical Officer, Saharsa.
5. Incharge Medical Officer, Primary Health Centre, Sour Bazar Saharsa

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Shiv Kumar, Advocate
For the Respondent/s : Mr.S.K.Mandal-SC 3

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-12-2020

Vide impugned judgment dated 1st of September, 2014 passed in C.W.J.C. No. 19938 of 2012, titled as Kamta Pandit Vs. The State of Bihar & Ors., the learned Single Judge has dismissed the writ petition preferred by the writ petitioner/present appellant.

Learned counsel for the petitioner/appellant herein states that in the cases of similarly situated persons, Hon'ble The Apex Court has considered the issue and the present appeal

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can be disposed of with a direction to the respondent State/authorities to consider the petitioner's case in the light of the judgment rendered by Hon'ble The Apex Court in S.L.P. (Civil) CC 17435 of 2013, titled as State of Bihar & Ors. Vs. Birendra Prasad Singh @ Birendra Prasad. State has no objection to the same save and except that the judgment passed by the learned Single Judge be not interfered with.

Accordingly, the appeal can be disposed of on the following mutually agreeable terms:

(a) The present appeal stands disposed of, as prayed for by the learned counsel for the petitioner/appellant;

(b) The petitioner/appellant shall approach the respondent authorities within a period of two months from today, inviting attention as to how the petitioner's case is covered in terms of the decision rendered by Hon'ble The Apex Court in S.L.P. (Civil) CC No.17435 of 2013, titled as State of Bihar & Ors. Vs. Birendra Prasad Singh @ Birendra Prasad (supra).

(c) The authority shall consider the petitioner's case and pass a reasoned order, copy whereof shall be supplied to the learned counsel for the petitioner/appellant herein.

(d) If the petitioner still feels aggrieved, it shall be

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open for the petitioner/appellant to take recourse to such remedies as are otherwise available in accordance with law.

Appeal stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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