

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25224 of 2019

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Ramadhin Choudhary Son of late Cheranjiv Choudhary, Resident of Village and Post- Pindaruch, District- Darbhanga at Present working at Cook P.M.C.H., Patna, Resident of Room No. 58, P.M.C.H. New Staff Quarter Arya Kumar Road, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department having his Office at Vikash Bhawan, P.S. Sachivalaya, District- Patna.
2. The Superintendent P.M.C.H., Patna having his office at P.M.C.H., Ashok Raj Path, P.S. Kotwali, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikash Mohan, Advocate
For the Respondent/s : Ms. Ratna Kumari, A.C. to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-01-2020 Heard learned counsel for the parties.

2. There was a writ application filed in 2014 giving rise to CWJC No.20608 of 2014 by one Lalita Devi who had claimed to be the widow of Ramadhin Chaudhary, and according to her, Ramadhin Choudhary had died while working against Class-IV post in the maternity ward of Patna Medical College and Hospital, Patna, on 10.03.2000. It was her plea, in that case, that she was kept in dark about the death cum retiral benefits, which she was entitled to consequent upon the death of her husband. It was alleged by her that her brother-in-law (husband's brother) namely,



Ramashis Chaudhary, who was impleaded as Respondent No. 6, in that case started working in place of her husband Ramadhin Chaudhary by impersonating himself to be Ramadhin Chaudhary.

3. Counter affidavits were filed in the said case, stating, *inter alia*, therein that the service book of Ramadhin Chaudhary showed that he was appointed on 01.08.1994 and was still working. It was further stated that an Enquiry Committee had been constituted to look into the dispute raised by the petitioner.

4. The writ petition filed by Lalita Devi, (CWJC No. 20608 of 2014) claiming to be the widow of late Ramadhin Chaudhary was dismissed as not maintainable by an order dated 22.07.2016, keeping in mind the fact that it involved disputed question of facts. The Court had, however, directed the Superintendent, Patna Medical College & Hospital, Patna, to ensure that the enquiry initiated in this regard was concluded within a period of one month from the date of receipt/production of a copy of this order.

5. It transpires that the enquiry continued for few



years and finally a report has been submitted by a Three-Member Enquiry Committee, which has reached a conclusion that Ramadhin Chaudhary, who was appointed in 1994, had died on 10.03.2000, and the petitioner was found working by an act of impersonation, in the name of the deceased i.e. Ramadhin Chaudhary. Based on the said report of the Enquiry Committee, in which the petitioner was given an opportunity of submitting his explanation, an order has been passed on 10.06.2019 by the Superintendent PMCH. The order records that the petitioner continued in service by changing his name fraudulently and by concealing the truth about the death of the Government Servant. After having recorded thus, the Superintendent has dismissed him from service. The said order dated 10.06.2019 has been challenged in the present writ application.

6. The petitioner claims that he is the real Ramadhin Chaudhary, who was appointed against Class-IV posts in 1994 and had been working in the Hospital for long, and based on an incorrect/manufactured certificate in respect of death, disclosing name of Ramadhin Chaudhary



as deceased, the impugned order has been passed.

7. In view of facts noted above, in my opinion, this writ application also involves disputed question of facts, as was the case in CWJC No. 20608 of 2018. It is dismissed, accordingly, with liberty to the petitioner to file a suit questioning the correctness of the order impugned.

8. This writ application stands **dismissed**.

(Chakradhari Sharan Singh, J)

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