

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22657 of 2018

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Madan Kumar, Son of Late Tarkeshwar Prasad, resident of Mohalla- C.D.A. Colony, House No. 81, P.O. North Shastrinagar, P.S.- Shastrinagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Bihar, Patna.
2. The Principal Secretary, Department of Health, Bihar, Patna.
3. The Director-in-Chief, Health Services, Bihar, Patna.
4. The District Magistrate, Nalanda.
5. The Civil Surgeon-cum-Chief Medical Officer, Nalanda.
6. The Incharge Medical Officer, Primary Health Centre, Harnaut, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sri Krishna Ranjan
For the Respondent/s : Mr.Nagendra Prasad Yadav -Sc23

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-07-2020 Heard Mr. Sri Krishna Ranjan, the learned counsel for the petitioner and Mr. Sudhir Kumar Singh, the learned A.C. to S.C.23 through video conferencing.

The petitioner filed this writ petition for quashing the order as contained in Memo No.2715/Biharsharif, dated 20.08.2018 issued under the signature of Civil Surgeon-cum-Chief Medical Officer, Nalanda by which the petitioner has been put under suspension and consequent order issued vide Memo No.3423/Biharsharif, dated 27.10.2018 whereby a departmental proceeding was initiated and 'Prapatra-Ka' was issued. Learned



counsel for the petitioner challenged the order on the ground of lack of jurisdiction of the Civil Surgeon.

Learned counsel for the petitioner submits that the appointing authority of the petitioner is the Director-in-Chief, Health Services, Bihar, Patna and the Civil Surgeon is not the appointing authority or the disciplinary authority of the petitioner. The petitioner was appointed as a Pharmacist.

On such, the learned counsel for the State submits that the order of suspension of the petitioner has already been revoked and, therefore, the writ petition became infructuous.

Having considered the submission of the learned counsel for the State that the order of suspension of the petitioner has already been revoked, the writ petition became infructuous. Accordingly, the same is dismissed as has become infructuous.

(Prabhat Kumar Jha, J)

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