

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1242 of 2020

Dr. Guru Dayal Kumar Sinha Son of Late Dr. Muneshwar Dayal, Resident of Mohalla-Ramdhanpur, Post Office and Police Station-Kotwali, District-Gaya at Present Posted as Medical Officer, Primary Health Center, Sonbarsa Block, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Commissioner-Cum-Secretary, Health Department, Government of Bihar, Patna.
3. The Joint Secretary, Health Department, Government of Bihar, Patna.
4. The Civil Surgeon-Cum-Chief Medical Officer, Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.K.C.K. Sinha Mr. M.K. Sinha
For the Respondent/s	:	Mr.Ajay Bihari Sinha (GA 8) Ms. Seema Ghazala , AC to GA 8

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-02-2020 Heard counsel for the petitioner and counsel for the respondents-State.

Counsel for the petitioner submits that in various court cases, petitioner was representing himself in person. It is on account of such requirement that he stayed away from duty, altogether for 154 days. This was a mitigating circumstance which was required to be considered by the authorities and therefore, punishment is not sustainable in law.

On a specific query whether there is any rule or provision which provides that in case government servant wants



to represent himself in person in judicial proceedings he can stay from his duties without obtaining permission from the department. The answer is in the negative.

In view of admitted unauthorized absence for 154 days, punishment does not require any interference.

No submissions have been made regarding any other infirmity in the procedure adopted by the authorities in the enquiry.

Writ petition is devoid of substance and dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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