

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6167 of 2020

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Ranjeet Kumar Singh S/o Ramavatar Singh, Resident of Village-Tilora, P.O.-
Tungi, P.S.-Wazirganj, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Government of Bihar, Patna.
2. The Director-In-Chief (Disease Control) Health Services, Government of
Bihar, Patna.
3. The Director, Health Department, Government of Bihar, Patna.
4. The Civil Surgeon cum Chief Medical Officer, Gaya.
5. The In-charge Medical Officer, Additional Primary Health Centre, Seohar
(Mohra), Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Ritika Rani, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 08-02-2021

The present writ petition has been filed for quashing
Memo No. 7257, Gaya dated 21.03.2020 issued under the
signature of the Civil Surgeon-cum-Chief Medical Officer, Gaya
by which the promotion granted to the petitioner vide Memo
No. 248 dated 08.02.1989, has been cancelled after a lapse of 31
years.

Shorn of the details it would suffice to state that the
short pointed raised by the learned counsel for the petitioner
Mrs. Ritika Rani is that the said order dated 21.03.2020 passed
by the respondent no. 4, has a far reaching effect inasmuch as it



not only has adverse civil consequences but also has serious financial implications, as far as the petitioner is concerned, nonetheless, the same has been passed without issuance of any show cause notice to the petitioner herein, in order to enable him to put forth his wholesome defence resulting in violation of the principles of natural justice, hence the impugned order dated 21.03.2020 is fit to be set aside.

The learned counsel for the State has not been able to controvert the submissions made by the learned counsel for the petitioner and has in fact admitted that no show cause was issued to the petitioner prior to passing of the impugned order dated 21.03.2020, whereby and whereunder the promotion granted to the petitioner vide Memo dated 08.02.1989, has been cancelled.

I have heard the learned counsel for the parties and gone through the materials on record from which it is apparent that no opportunity of hearing much less any show cause was issued to the petitioner by the respondents before passing the impugned order dated 21.03.2020, cancelling the promotion granted to the petitioner about 31 years back, hence this Court finds that the petitioner has been precluded from submitting his defence, resulting in violation of the principles of natural justice, hence the order contained in Memo No. 7257, Gaya dated 21.03.2020



issued by the Civil Surgeon-cum-Chief Medical Officer, Gaya is not sustainable in the eyes of law, thus the same is accordingly quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

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CAV DATE	
Uploading Date	
Transmission Date	

