

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2466 of 2019

In
Civil Writ Jurisdiction Case No.7229 of 2019

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Vinod Prasad S/o Late Ganesh Prasad Resident of Flat No.104, Anand Brij
Sarojni Enclave, Mithapur Bus Stand, Patna, P.S. Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna, namely Deepak Prasad, son of not known to the petitioner.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna, namely Mr. Amir Subhani, son of not known to the petitioner.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna, namely Sanjay Kumar, son of not known to the petitioner.
4. The under Secretary, Department of Health Govt. of Bihar, Patna, namely Vivekanand Thakur, son of not known to the petitioner
5. The Principal, Patna Medical College and Hospital, Dist. Patna, Bihar, namely Ramjee Prasad Singh, son of not known to the petitioner.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan
For the Opposite Party/s : Mr. Ajay Behari Sinha (Ga8)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 08-09-2021 Heard Mr. Prabhat Ranjan, learned counsel for

the petitioner and Mr. Ajay Behari Sinha, learned Senior

Advocate for the respondents / opposite parties.

By order dated 30.04.2019, this Court had

directed the Principal Secretary, Department of Health, Govt.

of Bihar, Patna to dispose of the representation of the

petitioner within a stipulated period of time as the petitioner

was to superannuate shortly.



It has been submitted on behalf of the petitioner that the representation was filed by him within time but no order was passed on such representation despite two reminders by him. Finally, the order has been passed but much beyond the time frame given by this Court. Apart from this, it has been submitted that the order of the Principal Secretary, Department of Health, Govt. of Bihar, Patna passed on the representation of the petitioner reflects complete non-application of mind as there is no consideration of the reason for cherry-picking the persons on promotion to be transferred to different hospitals and that the ground given in the order is self defeating in as much as there was no dispute with respect to the promotion but only with its reckonable dates.

After having heard the learned counsel for the parties, specially the explanation offered on behalf of the erring respondent by Shri Sinha, learned senior Advocate that he is apologetic for not passing an order on the representation within the time frame. This Court is of the view that now the petitioner has retired and an order has



been passed which may not be to the satisfaction of the petitioner, this contempt petition would not remain alive for this Court to pass an order except expressing its displeasure over the lackadaisical approach of the Department of Health, Govt. of Bihar, Patna. Mr. Sinha, learned Senior Advocate for the respondents has submitted that he shall communicate this displeasure to the concerned respondent and would ask him to be cautious in future.

If the petitioner is dissatisfied with the order, he may, if he so desires, challenge the same.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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