

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8037 of 2018

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Bisheshwar Kumar, son of Shri Vasudev Bhagat, residing at Nirmala Sadan,
 New Yarpur Road (Janta Road), P.S.-Gardanibagh, Distt.-Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Health Secretary, Department of Health, Bihar, Patna.
2. The District Magistrate-cum-Chairman, District Health Society, Arwal.
3. The Civil Surgeon-cum-Member Secretary, District Health Society, Arwal.
4. Mr. Nandeshwar Prasad, the then Civil Surgeon-cum-Member Secretary, District Health Society, Arwal.
5. The then District Programme Manager, Sadar Hospital, Arwal.

.. ... Respondents

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Appearance :

For the Petitioner : Mr. Suresh Mishra
 For the State : Mr. Binod Kumar Yadav-SC-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5. 28-04-2021 The matter has been taken up for hearing *on-line*
 because of COVID-19 Pandemic restrictions.

The petitioner has sought for quashing of an order dated 09.01.2016 passed by the Civil Surgeon-cum-Member Secretary, District Health Society, Arwal, whereby it was decided not to renew the petitioner's service on contractual basis on the ground of his unsatisfactory performance. Under the scheme, in which the petitioner was engaged, a forum for appeal has been provided. The petitioner had accordingly approached the Executive Director, State Health Society, the appellate



authority, who has allowed the petitioner's appeal by setting aside the said order dated 09.01.2016 and remanded the matter back to the District Magistrate-cum-Chairman, District Health Society, Arwal, for passing an order afresh. Though the petitioner has challenged the said order dated 28.12.2017 passed by the appellate authority, Mr. Siyaram Sahi, learned counsel appearing on behalf of the petitioner has submitted that in the light of the order of the appellate authority, it was incumbent upon the respondents to have passed appropriate orders after the matter having been remanded back.

Learned counsel representing the State of Bihar has submitted that the petitioner has not only challenged the order of the appellate authority, he has filed a memorial before the Principal Secretary against the appellant authority and, therefore, no order has been passed in compliance of the order passed by the appellate authority after the matter having been remanded by order dated 28.12.2017.

Be that as it may, considering the facts and circumstances of the case, this application is disposed of with a direction to the District Magistrate-cum-Chairman, District Health Society, Arwal, to pass appropriate order in the light of the remand made by order dated 28.12.2017 within a period of two months from the date of receipt/production of a copy of this



order.

This application stands disposed of with the aforesaid observations and direction.

(Chakradhari Sharan Singh, J)

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