

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4886 of 2021

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Dhananjay Sharma S/o Shri Kashi Pratap Bhan Sharma, R/o Rasualabad,
Allahabad Civil Lines, Cavellary Lines, Allahabad, P.S.-Sikuti, District-
Allahabad (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Health-cum-Chief Executive Officer, State Health Society, Bihar, Patna.
3. The Executive Director, State Health Society, Bihar, Patna.
4. The District Magistrate-cum-Chairman, District Health Society, Kaimur.
5. The Civil Surgeon-cum-Member Secretary, District Health Society, Buxar Sadar Hospital Campus, Jai Road, Buxar.
6. The Civil Surgeon, Kaimur-cum-Member Secretary, District Health Society, Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vishwajeet Kumar Mishra, Advocate
For the State	:	Mr. Mujtabaul Haque, GP-12
		Mr. Mritunjay Kumar, AC to GP-12
For Respondent No. 3	:	Mr. K.K. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 28-04-2022

Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
following reliefs:-

“1. That this application is
being filed for issuance of an appropriate
writ/order/direction to quash:-

(i) Memo No. 6828
dated 26.12.2020 issued by the
Executive Director, State Health
Society, Bihar vide which the
petitioner has been removed from
service and has been disqualified



for any type of employment in future in the Health Department and further it has been ordered that after calculation, action will be taken for recovery of financial loss to the government and for other penal/legal action.

(ii) Memo No. DHS/K/1475 dated 31.10.2020 whereby and where under the Civil Surgeon-cum-Secretary, District Health Society, Kaimur (Bhabhua) has informed the Executive Director, State Health Society, Bihar, Patna about the acceptance of resignation of the petitioner w.e.f. 29.10.2020 and about rejection of leave applied by the petitioner.

(iii) Memo No. DHS/K/1476 dated 31.10.2020 issued by the Civil Surgeon-cum-Secretary, District Health Society, Kaimur vide which the petitioner has been informed that his resignation has been accepted w.e.f. 29.10.2020 by the District Magistrate-cum-Chairman, District Health Society, Kaimur and also about the rejection of leave applied by him.

1/A. That consequent upon the quashment of the abovementioned Memorandums, the petitioner further prays for issuance of an appropriate writ/order/direction to the respondent authorities to reinstate the petitioner in service with all consequential benefits which includes the payment of pay and allowances and other financial benefits admissible to him.

1/B. That the petitioner further prays for issuance of any other appropriate writ/order/direction to which he is found entitled to.”



3. Learned counsel for respondent submitted that petitioner has statutory remedy of appeal before the 2nd Respondent-Principal Secretary, Health-cum-Chief Executive Officer, State Health Society, Bihar, Patna. Therefore, petitioner is hereby directed to invoke remedy of appeal before the 2nd Respondent within a period of eight weeks from the date of receipt of this order.

4. 2nd Respondent is hereby directed to decide petitioner’s appeal within a period of three months from the date of receipt of petitioner's appeal.

5. With the above observations, the present petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.04.2022
Transmission Date	

