

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10627 of 2022

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Bipin Kumar Jha Son of Jitendra Jha, resident of Hospital road in front of
Sadar Hospital, near Shabnam Medical, Ward No. 23, P.S. Sitamarhi, District-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Health Department, Bihar, Patna.
3. The Director-in-Chief, Health Services, Bihar, Patna.
4. The Chief Medical Officer-cum-Civil Surgeon, Sitamarhi.
5. The Chief Medical Officer-cum-Civil Surgeon, Madhubani.
6. Ramesh Shankar, Clerk, Prathmik Health Centre, Phulparas, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. S.D. Yadav (AAG-9)
		Mr. Anil Kumar Verma, AC to AAG-9

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- i. For issuance of an appropriate writ/s,
order/s, Direction/s to the

respondents to take appropriate and suitable disciplinary action and award major punishment to the respondent no. 6 against whom there is categorical finding by the Enquiry Officer but he has been let off by awarding only minor punishment of withholding of three increments vide Memo No. 233(4) dated 10.03.2022.

- ii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents to transfer the respondent no. 6 in his district cadre, Madhubani, where he was appointed on compassionate ground as clerk but taking undue advantage of his closeness to a political person he managed to join the service at Sitamarhi which is against the rules.
- iii. For issuance of an appropriate writ/ order/ direction to the respondents to take appropriate action for recovery of amount from respondent no. 6 which he misappropriated over a period of time while posted at Sitamarhi surgency.
- iv. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.

Counter affidavit filed is taken on record.

Learned counsel for the respondents, under instructions, states that the private respondent no. 6, namely, Shri Ramesh Shankar, Clerk, Prathmik Health Centre, Phulparas, Madhubani stands transferred from the office of the Civil Surgeon-cum-Chief Medical Officer, Sitamarhi to Primary Health Centre, Phulparas, Madhubani. Also, as on date the said private respondent stands relieved.

In this view of the intervening developments, we close the proceedings clarifying that in view of the order passed by the disciplinary authority, the private respondent no. 6, namely, Ramesh Shankar, Clerk, Prathmik Health Centre, Phulparas, Madhubani shall never ever be posted in the district of Sitamarhi.

The disciplinary proceedings were never ever assailed at any point in time.

Petition stands disposed of reserving liberty to the petitioner to agitate the issue afresh, should the need so arise subsequently.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	