

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1205 of 2015

In
Civil Writ Jurisdiction Case No.13403 of 2009

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1. The State Of Bihar
 2. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
 3. The Commissioner-cum-Chief Medical Officer, Madhubani District Madhubani.
 4. The Civil Surgeon-cum-Chief Medical Officer, Madhubani, District Madhubani.
 5. The In-charge Medical officer, Primary Health Centre, Ghogardiha, P.S. Ghogardiha, District Madhubani

... .. Appellant/s

Versus

Bimleshwar Yadav son of Sri mangal Yadav Resident of village Shrirampur Satlakha, P. O Arer Hat P.S Arer District Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhinay Raj
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

7 07-04-2022 At the outset, the learned counsel for the appellants submits that a similar case has been disposed of by a co-ordinate Bench of this Court in light of the Hon'ble Apex Court judgment in **State of Bihar and Ors. vs. Devendra Sharma** reported as **(2020) 15 SCC 466**. The operative part of the judgment/order dated 06.12.2021 passed in LPA No. 16 of 2014 reads as under:

“.....In this view of the matter, as



jointly prayed for, we dispose of the present appeal with a direction to the appellant authority to consider the case of the writ petitioner/respondent herein in the light of the ratio laid down in Devendra Sharma (supra).

Writ petitioner/respondent herein shall approach the appellant authority within a period of four weeks for which period status quo as on date shall be maintained, failing which there shall be automatic vacation of the order, with all consequences to follow.

However, as and when any such request is received, the same shall be considered and decided in accordance with law within a period of two months thereafter. The authority shall pass an order accounting for all the attending facts and circumstances of the present case, including the law laid down by the Hon'ble Apex Court in Devendra Sharma (supra). Whether the writ petitioner/respondent's appointment is illegal or irregular would be examined with all resultant consequences.....”

Considering the view taken by the co-ordinate Bench,
the present appeal also stands disposed of in same terms.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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