

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 3278 of 2021

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Dr Devendra Kumar Son of Late Raghu Nath Prasad Resident of Mohalla -
Mithanpura Club Road, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Health, Govt. of Bihar Patna
3. The Upper Secretary, Department of Health, Govt. of Bihar Patna
4. The Joint Secretary, Department of Health, Govt. of Bihar Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Manoj Kumar Jha, Advocate
For the Respondent/s	:	Mr Ramadhar Singh, GP XXV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and the respondents.

The issue raised in the instant writ proceedings by the petitioner's counsel is that the charges forming the basis of the punishment order dated 20.12.2017 was also the subject matter of a criminal proceeding and the Sessions Judge, Kota allowed Revision No 8 of 2007, filed by the petitioner assailing the order taking cognizance in the criminal trial. This fact, however, could not be brought before the Disciplinary Authority before passing of the order dated 20.12.2017. It is further submitted that if the Disciplinary Authority had taken into consideration the same, it would have been a mitigating factor in favour of the



petitioner.

Learned State Counsel submits that the petitioner still has an option of filing his review, by way of memorial, under Rule 24 (2) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 wherein this aspect may be considered by the authorities themselves in accordance with law.

This writ petition is, accordingly, disposed of.

Let the petitioner prefer his review, by way of memorial, under Rule 24 (2) of Bihar CCA Rules within four weeks from today.

If such review, by way of memorial, is filed, the Authority should consider the same and dispose it of expeditiously and in accordance with law within three months.

(Madhuresh Prasad, J)

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