

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22237 of 2019

Vishal Sarb Seva Sansthan Nabinagar, through its Secretary, Ramchandra Singh, aged about 72 years (Male), son of Late Baldev Singh, Resident of Village- Sonapura, P.O. Nabinagar, P.S. Nabinagar, District- Aurangabad (Bihar)- 824301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Secretary, Health-Cum- Executive Director, State Health Society, Bihar at Parivar Kalyan Bhawan, Patna- 800014.
3. The Director, Health Department, Government of Bihar, Patna.
4. The District Magistrate-Cum- The Chairman, District Health Society, Aurangabad (Bihar).
5. The Civil Surgeon-Cum- The Member Secretary, District Health Society, Aurangabad (Bihar) 824101.
6. The Incharge Medical Officer, Referral Hospital, Nabinagar, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dr. Chandra Shekhar Azad, Advocate
For the Respondent/s : Mr.Rajeshwar Singh (GA10)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 13-12-2022 The petitioner has prayed for the following relief/s :-

- (i) For issuance of an appropriate Writ/Writs, Order/Orders, Direction/Directions in the nature of Mandamus, directing the Respondents for making payment to the petitioner, who is the Secretary of Sarb Seva



Sansthan, Nabinagar under the District of Aurangabad in Bihar State according to New fixed rate as to he is entitled for getting the differential amount at the rate of new fixed rate with statutory interest as admissible.

- (ii) For any other Relief (s) for which the petitioner is found entitled in the eye of law as well as on the facts and circumstances of the instant case as elaborated and stated hereinafter in the larger interest of Justice..

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies as are otherwise permissible and admissible in accordance with law as also represent to respondent No.5, namely, the Civil Surgeon-cum-the Member Secretary, District Health Society, Aurangabad (Bihar), venting out the grievances, subject-matter of the present petition.

Prayer allowed. Liberty, as prayed for, is granted.

Without expressing any opinion on merits, leaving all



questions of fact and law open, the present petition is disposed of as withdrawn with the liberty aforesaid.

We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its presentation.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

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