

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.673 of 2020

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Sushil Chandra Jha, aged about 65 years, Male, S/o Late Jagannath Jha R/o
Mohalla- Damu Chauk, P.S.- Kazi Mohammadpur, District- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar represented through Principal Secretary, Department of Health, Bihar, Patna
2. The Joint Secretary, Department of Health, Bihar, Patna
3. The Director, Department of Health Services, Bihar, Patna
4. The Civil Surgeon cum Chief Medical Officer Vaishali at Hajipur
5. The In-Charge Medical Officer Primary Health Centre, Chehrakala, Vaishali
6. The Accountant General Bihar, Patna

... .. Respondents

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Appearance :

For the Petitioner : Mr. Manoj Kumar Manoj, Adv.
For the Respondents : Mr. Vasant Vikash AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-07-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Holding the petitioner to be unauthorizedly absent from duty in between 02-08-2008 and 08-09-2009, the petitioner's benefits under the MACP scheme, has been denied as it is the stand of the authorities that the requisite service period is not fulfilled on account of such unauthorized absence.

3. The learned counsel for the petitioner submits that the stand of the respondents is untenable. The petitioner was not unauthorizedly absent and he would be approaching the Civil Surgeon-cum- Chief Medical Officer, Vaishali at Hajipur,



(Respondent No.4) with material by way of a representation seeking regularization of the said period. Since the matter now has to be considered by the Respondent No.4, this Court, would not consider it appropriate to keep the matter pending.

4. Let a representation with material be filed by the petitioner along with copy of this order before the Respondent No.4 within a period of three weeks giving the explanation in respect of the said period in between 02-08-2008 to 08-09-2009, which the respondent no.4 would be obliged to consider irrespective of the order dated 19-10-2019 bearing Memo No. 2064 issued by him earlier in this regard. Let consideration be done by reasoned and speaking order and dues, if found admissible, be also paid to the petitioner. The entire exercise is required to be concluded within 08 weeks after submission of the petitioner's representation.

5. The writ application stands disposed of.

(Madhuresh Prasad, J)

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