

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.143 of 2023

In
Civil Writ Jurisdiction Case No.9902 of 2019

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1. State Health Society, Bihar, Parivar Kalyan Bhawan, Sheikhpura, Patna 800014, through Executive Director.
 2. Executive Director, State Health Society, Bihar, Parivar Kalyan Bhawan, Sheikhpura, Patna 800014.

... .. Petitioner/s

Versus

1. AGS Medical System, having its office situated at A 1, 1st floor Deva Residency, Nageshwar Colony, Boring Canal Road, PO GPO, PS- Buddha Colony, Town and District- Patna, through its partner, namely Dhiraj Kumar Kedia.
2. The State of Bihar, Through the Principal Secretary, Department of Health, Medical Education-cum-Family Welfare Department, Government of Bihar, New Secretariat, Patna.
3. The Principal Secretary, Department of Health, Medical Education-cum-Family Welfare Department, Government of Bihar, New Secretariat, Patna.
4. The Regional Deputy Director (RDD), District Health Society, Ara, Bhojpur.
5. The Regional Deputy Director (RDD), District Health Society, Purnea.
6. The Regional Deputy Director (RDD), District Health Society, Saran, Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kishore Kumar Sinha, Advocate
For the State	:	Mr. Mujtabaul Haque, G.P.-12
		Mr. Pranoy Kumar, A.C .to G.P.-12

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 29-08-2023 The writ petition from which the instant MJC arises was disposed of in the same terms as the judgment in Civil Writ Jurisdiction Case No. 13024 of 2022, titled as M/s. Raghoji House of Distribution Vs. The State of Bihar & Ors. The operative portion of the impugned judgment also indicates that



the Executive Director, State Health Society Bihar, Parivar Kalyan Bhawan, Sheikhpura, Patna-800014 was directed to have the petitioner's case examined and ensure early decision and disbursement of petitioner's legitimate dues payable, if any, under the work order. The Division Bench of this Court specifically said that if within a period of two months from the date of judgment a decision is not taken, a cost of Rs.5,000/- shall be paid to the petitioner to be recovered from the personal salary of the officer concerned.

2. The learned counsel for the applicants, herein, submits that an order has been passed only on 22.08.2023, which is passed over across the Bar. A copy of the same has also been handed over to the learned counsel for the respondents who was the petitioner in the writ petition. It is also argued that the M.J.C. was filed before the expiry of the period.

3. We find that the period expired on 14.01.2023 and the M.J.C. was filed on 16.01.2023. The impugned order specifically imposed a cost of Rs.5,000/- to be recovered from the personal salary of the officer concerned, if the order is not positively passed within a period of two months. Hence, though the application for extension was filed, the order itself was complied with far later.



4. In such circumstances, we find no reason to interfere with the cost directed. The cost shall be paid to the petitioner-respondent within a period of two weeks and a memo of acknowledgment be filed in this M.J.C. The direction to recover it from the personal salary of the officer concerned shall be made only if the government pays this amount.

5. The petitioner would be entitled to take his remedies against the order passed, which is deemed to be passed, within time.

6. The instant miscellaneous jurisdiction case stands closed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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