

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2798 of 2023

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Kumar Amit Son of Late Kamini Jha, Resident of Mohalla- Purwari Tola
Madhurapur Ward No-13, Police Station- Madhurapur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Deputy Secretary, Health Department, Government of Bihar, Patna.
3. The Joint Secretary, Health Department, Cum General Director (Ayush), Health Department, Bihar, Patna.
4. The Incharge District Indigenous Medical Officer, Joint Hospital, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Upadhyay, Advocate
For the State : Mr. Manoj Kumar, AC to SC- 12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-09-2023 1. Heard learned counsel for the petitioner and

learned counsel for the State.

2. It is not in dispute that the petitioner has been
proceeded against by a charge memo dated 02-12-2020
(Annexure- 2). He has approached this Court, being aggrieved
by non payment of subsistence allowance. There is nothing on
record to show that the petitioner has made any effort to join in
the proceedings.

3. On the contrary, learned counsel for the State has
filed counter affidavit, wherein they have taken specific stand
that it is a case of total non-cooperation by the petitioner, who



has remained continuously absent from 01-06-2021. Payments for period prior thereto, have duly been made to the petitioner.

4. Records reveal that in spite of reminders, he has not participated in the inquiry. These specific averments made in the counter affidavit, copy of which was served in July, 2023, are uncontroverted.

5. In the circumstances, there is no occasion for this Court to exercise writ jurisdiction under Article 226 of the Constitution of India in favour of the petitioner for issuing any direction for payment.

6. If the petitioner is able to show with reference to any material before the Authorities that he had, on any date, appeared in the Office or marked his attendance, then there may be occasion for the Authorities to consider such prayer of the petitioner.

7. Writ petition is accordingly disposed of.

(Madhuresh Prasad, J)

Raj Kishore/-

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