

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.567 of 2023

In

Civil Writ Jurisdiction Case No.17885 of 2021

Dr. Sujeet Kumar Son of Rameshwar Prasad, Resident of Sarvodaya Nagar,
Ward No. 7, near Hanuman Mandir, Bibiganj, Muzaffarpur, Dist-
Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Additional Secretary, Department of Health, Government of Bihar, Patna.
4. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr. Anil Kumar Verma, AC to AAG-9

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-11-2023

I.A. No. 01 of 2023

Having gone through the averments in the affidavit,
we are satisfied that the delay in filing of the appeal has been
sufficiently explained.

2. The delay condonation application is allowed. The
appeal shall be treated to be within time.

CWJC No. 16523 of 2023

3. The identical issues agitated in different writ petitions



were disposed of by the common judgment. The appellant herein was the petitioner in CWJC No. 17885 of 2021 and a respondent in CWJC No 1249 of 2021. An appeal has been filed only from CWJC No. 17885 of 2021. However, we are not interfering with the order passed, especially considering the fact that there was no consideration on merits and the direction was only to file a representation which was directed to be considered by the respondent.

4. The petitioner obviously has not filed a representation till date since appeal is pending before this Court. The second respondent in CWJC No. 17885 of 2021 has to consider the representation, if any, filed.

5. The appellant, hence shall file a representation within a period of two weeks from today. The appellant shall be given an opportunity of hearing by the Principal Secretary, within a month therefrom, which date shall be intimated to him on his filing the representation. The second respondent shall hear the petitioner and pass a speaking order as has been directed by the learned Single Judge within a period of one month from the date of hearing. The petitioner would be entitled to raise all contentions before the second respondent, which shall be considered by the second respondent. The petitioner would also



be entitled to challenge the order passed, if it is pre-judicial to him.

6. The L.P.A. is closed with the above directions.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.12.2023
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