

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8446 of 2019

Dr. Abhay Kumar Singh Son of Late Abhimanyu Prasad Singh Resident of
House No.78, Patliputra Colony, Patna-13.

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Health and Family Welfare Department,
Government of Bihar, Patna.
3. The Principal Secretary, Labour Resources Department, Government of
Bihar, Patna.
4. The Director, Medical Services, Employee State Insurance, Labour
Resources Department, Bihar, Patna.
5. The Deputy Secretary, Health and Family Welfare Department, Government
of Bihar, Patna.
6. The Under Secretary, Labour Resources Department, Government of Bihar,
Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mrs. Manisha Singh, Adv
For the State	:	Mr. Ramadhar Singh GP-25 with Mr. Harendra Kumar AC to GP-25

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has assailed the notification dated
03.04.20018, issued by Deputy Secretary, Health & Family
Welfare Department, Government of Bihar, Patna (Respondent
No.5) as contained in Annexure-4 to the writ petition whereby
and whereunder his claim for medical leave has been rejected
and extraordinary leave without pay has been granted in
between 30-09-2017 to 31-10-2017. Admitting a mistake in



mentioning all these dates, in the counter affidavit, the subsequent communication has been issued by the State on 21-05-2018, rectifying the period between 29-08-2017 to 31-10-2017. The issue, therefore, is with respect to the petitioner's claim for medical leave for the period 29-08-2017 to 31-10-2017. As per Annexure P/2 series enclosed with the writ petition, the petitioner had made his application after being issued a medical fitness certificate, which is annexed as Annexure P/1 series. He had submitted his application for grant of medical leave for the period 30-08-2017 to 31-10-2017, during which period, he was suffering with cervical spondylitis, disc prolapse and was advised complete bed rest. This fact of having made an application for medical leave is not denied in the counter affidavit filed by the State.

3. The counter affidavit also does not raise any doubt that the petitioner was suffering from the medical condition as per his application. The impugned notification (Annexure-4) also does not assign any reasons for rejecting the petitioner's claim for grant of medical leave. The notification dated 03-04-2018, as modified by the communication dated 21-05-2018, are, therefore, unsustainable as the same manifest no consideration of the petitioner's claim for the grant of



medical leave. It also does not contain any reasons so as to sustain the grant of extraordinary leave without pay to the petitioner, in the above circumstances. The notification dated 03-04-2018, as corrected by communicated dated 21-05-2018, are, therefore, quashed. The authorities would be obliged to consider the petitioner's claim for medical leave and pass a reasoned and speaking order within 08 weeks from the date of receipt/production of a copy of this order.

4. The writ application stands allowed.

(Madhuresh Prasad, J)

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