

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.24350 of 2013**

Dr. Arun Kumar Gupta c/o Harbansh Kumar, Kumar Bhawan, Road No.8A,  
Rajendra Nagar, Patna-800016, at present posted at incharge Medical Officer,  
Primary Health Centre, Ballia, Begusarai, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner-cum-Secretary, New Secretariat, Patna.
3. Additional Commissioner, Health Department, Patna, Bihar.
4. Dy. Secretary, Health Medical Education and Family Welfare Department,  
Government of Bihar, Patna.
5. Civil Surgeon-cum-Chief Medical Officer, Samastipur.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                         |
|----------------------|---|-------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr.Nirmal Kumar, Adv.                                                   |
| For the Respondent/s | : | Mr.Mithilesh Kumar, Upadhyay, AC to GP-3<br>Mr.Rajesh Kumar, AC to GP-3 |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      12-07-2023      The present writ petition has been filed seeking the  
following relief:-

*“1. That this is an application for issuance of a writ in the nature of certiorari to quash the order dated 7.12.2004 as contained in Memo No.2241(9) by which without considering the show cause filed by the petitioner the punishment for Nindan was given on the ground that the petitioner was absent on 28.7.2004 and further for issuance of writ in the mandamus directing the Respondents to pay the 2nd A.C.P. with effect from 17.7.2005 while the petitioner had filed the appeal within time even that no order was passed by the Respondents and/or any other*



*appropriate writ or writs on which the petitioner is entitled as per Assured Career Progression Scheme Rule, 2003 issued on 25.6.2003 by the Finance Department which is admissible to the petitioner and not to interfering with the payment of 2nd A.C.P. with statutory interest and cost of the writ application save and except in accordance with the law.”*

At the outset, the learned counsel for the petitioner has pointed out that during the pendency of the present writ petition, the petitioner has already stood dismissed from service and the order of punishment of dismissal has been challenged by filing a writ petition bearing C.W.J.C. No. 17067 of 2022, hence the petitioner be granted liberty to agitate his aforesaid grievances, subject to the final outcome of the aforesaid writ petition bearing C.W.J.C. No. 17067 of 2022. Liberty so sought is granted.

The writ petition stands disposed off.

**(Mohit Kumar Shah, J)**

sonal/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

