

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 5353 of 2018

Ashok Kumar Upadhyay Son of Sheo Shankar Upadhyay, Resident of Mohalla- Prabhat Colony, P.S.- K. Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Health, Family Welfare and Medical Education, Government of Bihar, Patna
2. The Director in Chief, Health, Family Welfare and Nursing Health Service, Govt. of Bihar, Patna.
3. Civil Surgeon-cum-Medical Officer, Katihar.
4. Civil Surgeon cum Chief Medical Officer, Purnea.
5. The Drug Inspector, Manihari, Amdabad, Panapur, Manshoha, District-Katihar.
6. The Drug Inspector, Barsoi, Balrampur, Ajamnagar, Kadwa, District-Katihar.
7. Medical Officer, Primary Health Centre, Dighal Bank, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Ram Hriday Prasad, Advocate

For the Respondent/s : Mr Pankaj Kumar, SC XII

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

3 26-09-2023

Heard the parties.

2 The prayer is for the following reliefs:

“For issuance of appropriate writ, order or direction to regularize the service period of petitioner from 26.11.2002 to 16.09.2007 by sanctioning/granting earned leave, half earned leave, commuted leave and extraordinary leave for the period from 26.11.2002 to 16.09.2007 when the petitioner was under medical treatment and for grant of all consequential benefits including salary for the period of granting leave.”



3 Learned counsel for the petitioner submits that at least a decision can be taken on the number of representations filed earlier by the petitioner for regularizing the service period by even granting earned leave or any other leave/extraordinary leave so that he is not at a disadvantage for other service benefits.

4 Though the counter affidavits are there, the main prayer which the petitioner has made to consider his case is not forthcoming in those counter affidavits.

5 Learned counsel for the petitioner submits that it will suffice that he will approach respondent No 3, Civil Surgeon -cum- Chief Medical Officer, Katihar with his fresh representation within four weeks from today for taking a decision in the matter.

6 State has no objection.

7 Considering the fair submission put forth by the learned counsel for the petitioner, which is just and proper, this Court directs respondent No 3 that in case the representation is filed by the petitioner within four weeks from today, he shall take up the matter and after going through the record, will pass a reasoned order within a period of next four months.

8 The writ petition stands disposed of with the



aforesaid observation.

(Rajiv Roy, J)

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