

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20900 of 2011

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Rakesh Kumar S/O Sri Bindeshwar Sharma R/O Vill.- Kauri,P.O.- Dabiya,
P.S.- Paliganj, Distt.- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. The Director In-Chief, Health Services, Bihar, Patna
3. The Regional Dy. Director, Health Services, Magadh Division, Gaya
4. The Departmental Enquiry Committee through its Chairman-Cum-Director -
In - Chief Health Services, Govt. of Bihar, Patna
5. The Civil Surgeon Cum Chief Medical Officer, Jehanabad
6. The Civil Surgeon Cum Chief Medical Officer, Arwal
7. The In-Charge Medical Officer, Primary Health Centre, Karpi
8. The Incharge Medical Officer Additional Primary Health Centre, Kinjar in
the District of Arwal
9. The Addl. Primary Health Centre, Kinjar in the District of Arwal

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Respondent/s : Mr. Uday Prasad, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-02-2023 Heard learned counsel for the petitioner and the State.

In this writ application, the petitioner is seeking quashing of the order dated 29.06.2010 passed in Case No. 20 of 2010 (arising out of L.P.A. No. 05 of 2010) by Hon'ble Justice Shri Uday Sinha, One Man Enquiry Committee whereby and whereunder the application of the petitioner has been dismissed.

Learned counsel for the petitioner submits that the impugned order has been passed without considering the judgment of the Hon'ble Division Bench in LPA No. 05 of 2010 and its analogous cases. It is, however, not disputed that the subject matter of the writ application is the same and one which were the subject matter of



consideration before the Hon'ble Supreme Court in the case of **State of Bihar and Others versus Devendra Sharma** reported in (2020) 15 SCC 466.

Learned counsel for the State submits that after going through the judgment of the Hon'ble Supreme court in the case of **Devendra Sharma** (supra), this Court has dismissed CWJC No. 9953 of 2011 and CWJC No. 16036 of 2011 on 13.02.2023. This case would be covered by those orders, similar order be passed.

Having heard learned counsel for the petitioner and the State, this Court finds substance in the submission of learned counsel for the State. In CWJC No. 16036 of 2011, this Court has discussed in detail the facts of the case which are similar to the present case. This Court has also taken note of the judgment of the Hon'ble Supreme Court and two paragraphs from the said judgment has also been quoted. This Court finds that this case is squarely covered by the order dated 13.02.2023 passed in CWJC No. 16036 of 2011.

For the same reasons and rationale which are provided in the said order, this writ application is dismissed.

(Rajeev Ranjan Prasad, J)

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