

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10730 of 2023

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Dr. Mukesh Kumar Son of Sri Basudeo Prasad Resident of Mohalla-Mali Tola
Sheikhpura, House No. 80, P.S.-Hawai Adda and District-Patna 800014.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Health, Bihar, Patna.
2. The Additional Chief Secretary, Department of Health, Bihar, Patna.
3. The Additional Chief Secretary, Department of Finance, Bihar, Patna.
4. The Director in Chief Disease Control and Paramedical, Health Services, Bihar, Patna.
5. The Rajendra Nagar Super Specialty Eye Hospital through, its Director, Rajendra Nagar, Patna.
6. The Director, Rajendra Nagar Super Specialty Hospital, Patna.
7. The Rajkiya Ayurvedic College, Kadamkuan, Patna through its Principal, Patna.
8. The Principal, Rajkiya Ayurvedic College, Kadamkuan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.K.Sinha, Sr. Adv. Mr.Alexander Ashok, Adv.
For the State	:	Mr. Ravi Kumar, AC to GP-13
For the Respondents No. 7 & 8	:	Mr. Manish Jha, Avv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-12-2023

The present writ petition has been filed directing the
Respondent No. 4 i.e. the Director-in-Chief, Disease Control
and Paramedical Health Services, Bihar, Patna, to pass



appropriate orders with regard to grant of study leave to the petitioner for pursuing the course namely as M.S.(Shalakya Tantra) (M.S. Eye-ENT-Dental) as also for quashing the order dated 3.6.2023, issued by the Principal, Government Ayurvedic College, Patna, whereby and whereunder the joining of the petitioner has been cancelled.

2. Shorn of the details, it would suffice to state that now, since the Respondent-State has already granted study leave to the petitioner, as is apparent from paragraph no. 8 of the counter affidavit, filed by the Respondent No. 4, it is incumbent upon the Respondent Nos. 7 and 8 i.e. the Rajkiya Ayurvedic College, Patna, to accept the joining of the petitioner as far as the aforesaid course is concerned. Thus, it is directed that the Respondent No. 8 shall accept the joining of the petitioner forthwith and permit him to pursue the aforesaid course in question.

3. At this juncture, the learned counsel appearing for the Respondent No. 8 submits that the Respondent-State has issued a show cause notice dated 3.11.2023 to the Respondent No. 8, questioning his action regarding non-acceptance of the joining of the petitioner, however, it is submitted by the learned counsel appearing for the Respondent No. 8 that the Respondent No. 8



has followed the guidelines mentioned in the prospectus, issued by the Bihar Combined Entrance Competitive Examination Board, with regard to post-graduate medical admission to MD (Ayurveda) courses of the year, 2021 and he has not acted illegally hence, the Respondent No. 8 be protected. This Court has taken note of the aforesaid submission advanced by the learned counsel for the Respondent No. 8 and finds the same to be plausible.

4. It is needless to state that now, since the Respondent No. 8 is ready to accept the joining of the petitioner, the stipend amount, already paid to the petitioner, shall not be recovered.

5. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.12.2023
Transmission Date	NA

