

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12201 of 2023

Dr. Ankita Singh W/o Dr. Aman, Resident of South Ramna Road, Ara, Police Station-Nawada, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Dy. C.M.-Cum-Minister), Department of Health, Bihar, Patna.
2. The Additional Chief Secretary, Department of Health, Bihar, Patna.
3. The Additional Director-Cum-Joint Secretary, Department of Health, Bihar, Patna.
4. The Deputy Secretary, Department of Health, Bihar, Patna
5. The Regional Dy. Director, Department of Health, Patna Division, Patna.
6. The Chief Surgeon-Cum-Chief Medical Officer, Bhojpur, Ara.
7. The Incharge, Medical Officer, Primary Health Centre, Sadar Bhojpur, Ara.
8. The Director General, Bihar Institute of Public Administration and Rural Development Department, Bihar, Patna.
9. The Dy. Director-Cum- Coordinator, Bihar Institute of Public Administration and Rural Development (BIPARD), Gaya.

... .. Respondent/s

Appearance :

For the Petitioner : Mr.Dharmesh Kumar, Adv.
For the State : Mr.P.K. Shahi, AG

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-10-2023 Heard learned counsel for the petitioner and learned Advocate General for the State.

2. The petitioner seeks quashing of the suspension order dated 24-07-2023 (Annexure- 7/1) passed by the Civil Surgeon-cum-Chief Medical Officer, Bhojpur at Ara (Respondent No. 6).

3. The brief factual background is that the petitioner, a Medical Officer, posted at Sadar Block in Ara, was selected for training from 19-06-2023 to 23-06-2023, to be conducted by the Bihar Institute of Public Administration and Rural Development



(for brevity 'BIPARD') at the center in Gaya. It is the case of the petitioner that she went to the training center on 18-06-2023. Training started on 19-06-2023. During lunch break on 19-06-2023, she left the training center because she was having high fever, vomiting and severe stomach ache, which she considered to be a threat to her life. She left the training Center for Patna for treatment. The petitioner, thereafter, claims to have submitted an application on 20-06-2023, to the Additional Director-cum-Special Officer-cum-Commissioner, Magadh Division, BIPARD, Gaya, informing the circumstances under which she has left the training centre on 19-06-2023. From the correspondence dated 22-06-2023 (Annexure- 4), issued by the Deputy Director-cum-Batch Coordinator, BIPARD, Gaya, it appears that intimation regarding her absence from 19-06-2023, was sent by WhatsApp on 20-06-2023 to the Admin Consultant. She, thereafter, claims to have sent intimation in this regard to the In-charge Medical Officer, Primary Health Center, Sadar Block, Ara, where she was posted. From averments and annexures to the writ petition, it appears that the Deputy Director-cum-Batch Coordinator, BIPARD, Gaya, sent letter dated 22-06-2023, to the Civil Surgeon- cum- Chief Medical Officer, Bhojpur at Ara, intimating the fact that the petitioner



without informing any Superior Authority, went unauthorizedly absent from the 05 days training session w.e.f. 19-06-2023. Acting on such report of the Additional Director, Civil Surgeon-cum-Chief Medical Officer has placed the petitioner under suspension. Her headquarters has been fixed at the Health Department, Patna. The same is pursuant to the Notification dated 20-07-2023 (Annexure-7), issued by the Health Department. The Notification has been issued in contemplation of proceeding to be initiated against the petitioner for her unauthorized absence from training.

4. From the averments in the writ petition, it appears that the petitioner claims to have left the training on the first day, on account of severe illness, without informing anybody. When she has submitted intimation to her In-Charge, Medical Officer on 23-06-2023, she has stated in her application that she requested the Batch Coordinator for permission to proceed for treatment, which was declined.

5. In her supplementary affidavit filed in these proceedings, she has another additional explanation, being the fact that she is mother of a two years old son and was entitled to exemption from five days' training. With reference to her absence for the same period, she has given three different



reasons at three different times.

6. This Court, however, would refrain from making any comment on the genuineness of the assertions, which the petitioner may raise in the proceedings to be initiated as per Notification dated 20-07-2023 (Annexure- 7).

7. The Court would further find that the suspension order itself is of 24-07-2023, as per Rule- 9 of the Bihar Government Servants (Classification, Control & Appeal) Rules, (for brevity 'Bihar CCA Rules, 2005'). The petitioner would be in a position to seek revocation of suspension in terms of Rule 9 (7) of the Bihar CCA Rules, 2005, on existence of the circumstances contemplated therein, but only if charge sheet is not framed, within three months from the date of suspension order.

8. As of now, the period contemplated under Rule 9 (7) of the Bihar CCA Rules, 2005, has not lapsed, this Court, therefore, does not find any occasion to interfere with the impugned suspension order dated 24-07-2023.

9. The Court would also find that the impugned suspension order dated 24-07-2023, has been put to challenge without assailing the basic order dated 20-07-2023, pursuant to which the impugned order has been issued by the Civil Surgeon-



cum-Chief Medical Officer, Bhojpur at Ara.

10. Challenging the consequential order without assailing the basic order (Notification dated 20-07-2023), in view of the settled legal position as per decision of the Hon'ble Apex Court in the case of *Amarjeet Singh & Ors. vs. Devi Ratan & Ors.* reported in (2010) 1 SCC 417 is not permissible.

11. For this reason also, this Court is not inclined to exercise its discretionary writ jurisdiction in favour of the petitioner to interfere with the impugned suspension order dated 24-07-2023 (Annexure-7/1) passed by the Civil Surgeon-cum-Chief Medical Officer, Bhojpur at Ara (Respondent No. 6).

12. The writ petition is, accordingly, dismissed.

(Madhuresh Prasad, J)

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