

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19733 of 2019

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Bhuvaneshwar Prasad Srivastava Son of Late Ram Lakhan Prasad, Resident of Village- Damodarpur, Police Station- Malahi, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Director in Chief Health Services, Government of Bihar, Patna (Administration).
3. The Regional Deputy Director Tirhut Commissionery, Muzaffarpur.
4. The Civil Surgeon East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mithilesh Kumar Upadhyay, Advocate
For the Respondent/s	:	Mr.Mujtabaul Haque (GP 12)
		Mr.Pranoy Kumar, AC to GP 12

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 26-06-2023

Heard Mr. Mithilesh Kumar Upadhyay, learned counsel appearing on behalf of the petitioner and Mr. Mujtabaul Haque, learned GP 12 for the State.

2. Learned counsel appearing on behalf of the petitioner informs this Court that by way of Annexure 'E' to the Counter Affidavit filed on behalf of respondent no.2, an *ex parte* order has been placed on record, however, the learned counsel appearing on behalf of the State informs this Court that the order is available and the petitioner may file an appeal against the said order before the Additional Chief Secretary, Health Department, Government of



Bihar considering the fact that no opportunity of hearing was given to the petitioner before passing the order. The said fact also appears from perusal of order dated 30.08.2018 contained in Memo No.1020(4) dated 30.08.2018 passed by the Director-in-Chief (Administration), Health Services, Bihar.

3. The order being in violation of the principle of natural justice is hereby quashed and the Director-in-Chief (Administration), Health Services, Bihar is directed to give prior notice to the petitioner and pass a fresh order.

4. The petitioner must represent before the Director-in-Chief (Administration), Health Services, Bihar within a period of one week from the date of passing of this order along with all the relevant documents and if the petitioner is not in a position to any document, which he intends to bring on record in his support, he must be supplied same day.

5. The Director-in-Chief (Administration), Health Services, Bihar must provide opportunity of hearing to the petitioner and pass reasoned order within a period of four weeks from the date of passing of this order.

6. In case the petitioner fails to abide by the direction given by this Court and the time specified in the order, the order



contained in Memo no.1020 (4) dated 30.8.2028 shall remain in force.

7. The present writ petition is accordingly disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	26.06.2023
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