

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.218 of 2023

Dr. Laxmi Prasad Yadav Son of Dani Lal Yadav, Resident of Ward No. 21,
Navaratan Hata, P.S.- Purnea, District- Purnea.

... .. Petitioner

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.
3. The Joint Secretary, Health Department, Government of Bihar, Patna.
4. The Regional Deputy Director, Koshi Division, Saharsa.
5. The Regional Deputy Director, Purnea Division, Purnea.
6. The Civil Surgeon, Purnea, District- Purnea.
7. The Civil Surgeon, Saharsa, District- Saharsa.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay, Advocate
Ms. Tatva Kumari, Advocate
For the Respondent/s : Mr. Ranvijay Singh, AC to SC-23

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-02-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in this case is seeking a direction to the
respondent authorities to make payment of his salary after accepting
his joining at the transferred place.

The writ application makes startling revelation. This
petitioner has not worked since the year 2005.

Learned counsel for the petitioner was called upon to
show from the statement made in the writ application any specific
averment saying that the petitioner had been working at his
transferred place since the year 2005. Learned counsel has made



categorical statement at the bar that there is no such statement in the writ application. His only bald plea is that the petitioner was not allowed to join at the transferred place.

This Court has been informed at this stage that the petitioner has been dismissed from service on account of his prolonged unauthorized absence from work.

As learned counsel for the petitioner was called upon to disclose as to whether the petitioner was indulged in private practice and had been making money during all this period which may even be subjected to enquiry by a competent investigating agency, learned counsel for the petitioner has, on his own volition, come out with a prayer to allow him to withdraw this application unconditionally.

Learned counsel for the State has vehemently opposed this writ application stating that it is totally dishonest approach on the part of the petitioner in looking for his salary for 17-18 years from the State Exchequer when admittedly he has not rendered any service.

In the given circumstance, since learned counsel for the petitioner wants to withdraw this writ application unconditionally, permission is granted.

The application is dismissed as withdrawn.

(Rajeev Ranjan Prasad, J)

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