

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.363 of 2019

In
Letters Patent Appeal No.1510 of 2018

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Dr. Vijay Kumar S/o Late Rameshwar Paswan Resident of Mohalla-Bariyusufpur, P.O.- Hajipur, P.S.- Industrial Area, Hajipur, District- Vaishali, Bihar, presently posted as Medical Officer, Referral Hospital, P.O.- Meriganj, P.S.- Raniganj, Distt.- Araria

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna
2. The Principal Secretary Health Department, Govt. of Bihar, Patna
3. The Deputy Secretary Health Department, Govt. of Bihar, Patna
4. The Under Secretary Health Department, Govt. of Bihar, Patna
5. The Joint Director Health Services, Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
Mr. Kishore Kunal, Advocate
For the Opposite Party/s : Mr. AG

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 04-09-2023

The present review petition is for deletion of observation made in L.P.A. No. 1510 of 2018 dated 23.04.2019, in the last paragraph of page 3 to the extent that " *the appellants choose to re-initiate the proceedings of enquiry as per the observations made by the learned Single Judge, then the same shall not be done*". The aforementioned observation of the Co-ordinate Bench passed in L.P.A. No. 1510 of 2018 dated 23.04.2019 is contrary to orders of the learned Single Judge passed



in C.W.J.C. No. 8177 of 2015 decided on 09.07.2018 since no liberty was granted by the learned Single Judge to re-initiate any proceeding against the petitioner.

2. Learned counsel for respondent has not disputed the aforementioned error committed by the Co-ordinate Bench while deciding L.P.A. No. 1510 of 2018 dated 23.04.2019.

3. We have perused the order of the learned Single Judge read with L.P.A. order dated 23.04.2019 and we find that there is an error apparent on the face of the record. There is no observation by the learned Single Judge for re-initiating the Inquiry against the petitioner from the defective stage and no such liberty has been granted to the respondents/ appellants.

4. Accordingly, the portion at page 3 of the order dated 23.04.2019 passed in L.P.A. No. 1510 of 2018 is to be recalled and to that effect the review petitioner has made out a case. Hence, the portion, namely, "*the appellants choose to re-initiate the proceedings of enquiry as per the observations made by the learned Single Judge, then the same shall not be done*" stands deleted from the order dated 23.04.2019 and para 3 will read as under:-

"We, therefore, dispose of this appeal with direction to reinstate the petitioner in service and extend him the benefits granted by the learned Single Judge."

5. Accordingly, the present review petition stands



allowed. If the concerned Respondent is conducting any Inquiry proceeding in view of the order passed in L.P.A. the concerned Respondent is directed to drop or terminate such Inquiry proceeding.

4. All pending Interlocutory Applications, if any, stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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