

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5059 of 2020

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Lalit Kumar Roy, Son of Late Ram Chandra Roy, Resident of Kabraghat,
Mishriganj, P.S.- L.N.M. University, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, New Secretariat, Patna.
3. The Special Secretary, Health Department Government of Bihar, New Secretariat, Patna.
4. The Addl. Secretary- cum- Director General (Ayush), Health Department, Government of Bihar, New Secretariat, Patna.
5. The Conducting Officer-cum-Director, Health Department, (Ayush), Government of Bihar, New Secretariat, Patna.
6. The Presenting Officer-cum-Addl. Secretary, Health Department, (Ayush), Government of Bihar, New Secretariat, Patna.
7. The Deputy Director, Health Department, (Ayush), Government of Bihar, New Secretariat, Patna.
8. The Principal, Rajkiya Maharani Rameshwari Bhartiya Chikitsa Science Institute, Mohanpur, Darbhanga.
9. The Principal, Rajkiya Sri Yatindra Narayan Ashtang Ayurved College and Hospital Nathnagar, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Jha, Adv.
	:	Mr.Sushil Kumar Jha, Adv.
For the Respondent/s	:	Mr.Rajeshwar Singh (GA10)
	:	Mr.Jitendra Kumar, AC to GA10

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-03-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Counsel for the petitioner submits that the present writ application has been filed against the initiation of the departmental proceeding by virtue of order dated 18.12.2019.



He submits that during pendency of the writ petition, final order has been passed vide Memo No.466 dated 08.05.2020 and by virtue of I.A. No.01 of 2022, he wants to add a new prayer challenging the order passed in the departmental proceeding against him.

3. Counsel for the State has raised preliminary objection and submits that the petitioner has remedy available under the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 before the appellate forum, but instead of challenging order before the appellate forum, he has directly come before this Court.

4. In the present facts and circumstances, the present writ application is hereby disposed off, directing the petitioner to avail his remedy against the order of punishment contained in Memo No.466 dated 08.05.2020, before the appellate authority under law within 30 days from today. The I.A. No.01 of 2022 is hereby disposed off along with C.W.J.C. No.5059 of 2020.

5. However, it is directed to the appellate authority to condone delay, if any, in filing the appeal.

(Dr. Anshuman, J.)

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