

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4840 of 2018

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Brajendra Kumar Dwivedi s/o Late Satyanarayan Dwivedi, r/o village-
Sikahariya, PS- Jamui, Distt. Jamui.

... .. Petitioner/s

Versus

The State of Bihar and Ors.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar Pathak, Advocate
For the State of Bihar	:	Mr. Nagendra Pd. Yadav, SC23
		Mr. Sudhir Kumar Singh, AC to SC23
For the State of Jharkhand	:	Mr. Sanjay Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 09-01-2024 Mr. Kamlesh Kumar Pathak, learned counsel for the

petitioner, Mr. Nagendra Pd. Yadav, learned counsel for the

State of Bihar and Mr. Sanjay Kumar Pandey, learned counsel

for the State of Jharkhand are present.

2. Learned counsel for the petitioner submits that the

present writ petition has been filed for the following reliefs:

(i) *For quashing the memo no. 1803 dated 15.07.2017 containing the proceedings dated 13.07.2017 of the committee headed by Civil Surgeon-Cum-Chief Medical Officer, Jamui and whereby it was resolved to dismiss the petitioner from his service as male warden at Primary Health Centre, Gidhore and as well as the memo no. 1827 dated 19.07.2017 by which consequently the Civil Surgeon-Cum-Chief Medical Officer, dismissed the petitioner from his service.*

(ii) *For quashing the order issued by the Incharge Medical Officer, Primary Health Centre, Gidhore vide order no. 200 dated 25.07.2017 and whereby, he restrained the petitioner to perform his duty in pursuance of memo no. 1803 dated 15.07.2017 and memo no. 1827 dated 19.07.2017.*

(iii) For direction to the respondents to reinstate the petitioner to his original post as male warden at Primary Health Centre, Gidhore without any break in service and also to pay him all the legitimate dues of salary from the date of his initial appointment dated 29.09.2014 to up till now.

(iv) For any other relief/reliefs as your Lordships may deem fit and proper under the facts and circumstances of the case.

3. Learned counsel for the State raised strong objection that the petitioner has not challenged the said order before any of the forum higher than the Civil Surgeon-Cum-Chief Medical Officer, Jamui and directly come before this Hon'ble Court.

4. In this background, this writ petition is disposed of directing the petitioner to challenge the orders which he has challenged here before the Director Health Services, Government of Bihar within six weeks annexing the order passed by this Court and Director Health Services is directed to pass reasoned and speaking order within 90 days after filing, upon memo filed by the petitioner.

5. With this direction the writ petition stands disposed of.

(Dr. Anshuman, J)

Shahnawaz/-

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