

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1046 of 2018

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Alok Kumar, Son of Late Ayodhya Prasad Dubey, Resident of Village-
Ghariyachak, P.S.- Mahishi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Health and Family Welfare.
3. The Director-in-Chief Health Services, Parivar Kalyan, Matri Shishu Swasthya and Nursing.
4. The Collector, East Champaran, Motihari.
5. The Regional Deputy Director, Darbhanga.
6. The Civil Surgeon-cum-Chief Medical Officer, Motihari.
7. The Medical Officer, In-charge, PHC, Chhouradano, District- East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Sr. Advocate
		Mr.Manisha Singh, Advocate
For the Respondent/s	:	Mr.Ramadhar Singh-GP25

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 29-01-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2.The present writ petition has been filed for setting
aside the order of dismissal passed by respondent No. 3, namely,
the Director-in Chief, Health Services, Bihar on 14.12.2017
communicated by respondent No.6.

3. Learned counsel for the petitioner submits that
the dismissal order of the petitioner has been passed by the
revisional authority as the appointing authority for the petitioner



is the Civil Surgeon whereas the final order of punishment has been passed by the Director – in -Chief. He submits that such action taken by the official indicates the bias attitude of the officials.

4. Learned counsel for the State submits that under Rule 42 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005, there is a provision of appeal before the higher authority from the disciplinary authority either in the form of appeal or in the form of review.

5. In the aforesaid background, this Court is of the view that even if the revisional authority has passed the original order it does not mean that the person aggrieved shall lost his/her right to prefer an appeal and, therefore, the respondent No.2, namely, the Principal Secretary, Health and Family Welfare, who is higher officer than the Director-in-chief, Health Services, Bihar is directed to hear the appeal of the petitioner and dispose off the same with a reasoned and speaking order within 60 days from the date of filing of the appeal along with a copy of this order . It is made clear that respondent No.2, namely, the Principal Secretary, Health and Family Welfare shall decide the appeal of the petitioner entertaining completely on merit and shall also describe in the ordersheet that under what



circumstances the original order has been passed by the revisional authority.

6. The delay, if any, in filing the appeal shall be condoned.

7. With the aforesaid observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
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