

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10514 of 2023

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Shankar Prasad Gupta Son of Suakhdev Prasad Gupta, Resident of Village-
Ekma, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner cum Secretary, Health Medical Education and Family Welfare Department, Government of Bihar, New Secretariat, Vikash Bhawan, Baily Road, Patna.
2. The Director-In-Chief, Health Services, New Secretariat, Vikash Bhawan, Baily Road, Patna.
3. The Divisional Commissioner, Saran Division, Chapra, District- Saran.
4. The Civil Surgeon cum Chief Medical Officer, Gopalganj.
5. The Medical Officer- Incharge Referral Hospital, Uchaka Gaon, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ritesh Verma, Advcate
For the Respondent/s : Mr.Rajeshwar Singh (GA-10)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-02-2024 The present writ petition has been filed
seeking the following reliefs:-

"1. I. That a writ in the nature of Mandamus or any appropriate writ/writs/ direction to the respondents to accept the joining of petitioner to the post III, IV, grade employ CS/CUM MO in C.S. in Gopalganj the light of the order and judgment passed by this Hon'ble High Court in C.W.J.C. No. 2108/08, dated 06-10-2009 with analogous cases by which the order of termination of the petitioners have



been revoked and directed the respondents to accept the joining of the petitioners who were posted earlier and continued accept the service with effect from date 06-10-2009 till non with all benefits.

(II) To treat the service of the petitioners continuously in the head department, and whose services ed have been terminated on the basis of report submitted by 5 Men Committee constitute, on the direction of High Court in L.P.A. No. 966/03, hold the services of the petitioners illegal or forged and recommended for the termination and restore services of the petitioner since the dated of joining.

(III) To employment the orders of this Hon'ble High Court passed in batch cases 2754/08, Natural C.W.J.C. No. 2108/08 C.W.J.C. No. dated 06-10-2000 passed is Justice and the authority failed to consider conducting enquiry in relation to the permanent employees, who were appointed for the post and was initiated a permanent Department proceeding not to decide the nature of appointment, and the in absence of employee authority ignored the Circular, which was vague at the time appointment of petitioner while putting



the petitioner in category appointing member of 3,4 the inquiry committee similarly consider dispatch register not the signature under which appointment letter was issued and the signature of appointing authority not verified, on account of that this Hon'ble High Court all the reasons the imposed enquiry report which has been quashed and termination order issued by the authority even those letters also quashed and respondents directed to reinstate the petitioners on same post, the they were working with effect from day of appointment and also pay all consequent benefits.

(iv) To hold the representation filed by the petitioners as per the direction of this Hon'ble High Court by which they reinstate the petitioners. In the light of Judgment of Hon'ble Supreme court of India, Reported 2006 (Vol.IV) within a period of six month and the department follow the mandatory provision of the health department to regularize the service, which was challenged in C.W.J.C. No. 2108/08 Shankar Pd. Gupta vs. State of Bihar heard along with other case by which the respondents were directed to appoint the petitioners on same post working as post of ward attendant and



other with effect from date of termination with all consequential benefits.

(v) To restrain the respondents not to follow and realize the order passed in L.P.A. No. 1263/09 and other filed by the govt. against the judgment passed in writ batch cases, which has not been affected by the order of L.P.A."

2. After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to approach the respondents authorities for redressal of his aforesaid grievances. Liberty, so sought, is granted.
3. The present writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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