

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11515 of 2024

Dr. Sachchidanand Ojha S/o Late Durga Ojha, Resident of Village- Khabra,
P.O.- Khabra, P.S. - Sadar, District - Muzaffarpur, State - Bihar, PIN - 843146.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Bihar, Patna.
3. The Director, Aayush, Health Department, Bihar, Patna.
4. The Joint Secretary of Government, Health Department, Bihar, Patna.
5. The Special Executive Officer, Health Department, Bihar, Patna.
6. The Under Secretary of the Government, Health Department, Bihar, Patna.
7. The Additional Secretary of Government, Health Department, Bihar, Patna.
8. The In-charge Principal, Government RBTS Homeopathic Medical College and Hospital, Muzaffarpur.
9. The Director General Aayush Directorate, Bihar, Patna.
10. The Special Secretary-cum-Executive Director, State Aayush Committee, Bihar, Patna.
11. The Executive Director, State Aayush Committee, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nalin Kumar, Advocate
For the Respondent/s	:	Mr. A.B. Sinha, GA-8
		Ms. Kalpana, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-08-2024 Heard Mr. Nalin Kumar, learned counsel appearing
on behalf of the petitioner and Mr. A.B. Sinha, learned GA-8
along with Ms. Kalpana, learned counsel for the State.

2. Learned counsel appearing on behalf of the
petitioner submits that in spite of the specific direction of this
Court vide order dated 14.03.2024 passed in CWJC No. 3481 of
2024, the departmental proceeding initiated against the



petitioner has not been concluded in accordance with the guidelines of the State Government.

3. Ms. Kalpana, learned counsel appearing on behalf of the State submits that no interference by this Court is required in the present case because the departmental proceeding is expected to be concluded within a considerable period of time considering the fact that the charge memo has been issued as per the required provision of Rule 16 and 17 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 and mandatory provision of the Article 311 of the Constitution.

4. Having considered the rival submissions made on behalf of the parties, this court will not enter into any technical aspect, as to whether, the charge memo has been approved by the government or not in absence of any pleading in this regard, but considering the fact that the petitioner has participated in the Departmental Proceeding and has not raised any irregularity and his only grievance that in light of the order dated 14.03.2024 passed by this court in cwjc no. 3481 of 2024, the same was required to be concluded within a period of three months from the date of passing of the order or the same shall abate. In such circumstance, I don't find it proper to interfere in any manner or



to pass any direction.

5. With above observation/direction, the present writ
petition is disposed of.

(Purnendu Singh, J)

Niraj/-

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