

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2349 of 2023
In
Civil Writ Jurisdiction Case No.6572 of 2023

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Malti Kumari wife of Shailendra Kumar resident of Mohalla Jagdeopath, Niti Bag, Flat No.301, Saryug Vatika, Police Station Rpastpur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, New Secretariat (Vikas Bhawan), Patna, namely, Pratyay Amrit.
2. Sri Anil Kumar Tiwari, the Director in Chief, Health Services, New Secretariat (Vikash Bhawan), Bihar, Patna
3. Dr. Gyan Bhushan, the Regional Deputy Director, Health Services, Patna Division, Patna.
4. Dr. Shravan Kumar, the Civil Surgeon cum Chief Medical Officer, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha, Advocete
For the Opposite Party/s : Mr.Nagendra Pd. Yadav (SC 23)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 27-09-2024 Heard learned counsel appearing on behalf of the

petitioner and the learned counsel for the Opposite Parties.

2. Vide order 15.06.2023 passed in CWJC No.6572 of
2023, the following order *inter alia* has been passed, which is
re-produced hereinafter :-

“3. Considering the aforesaid fact as well as the circular of the Government that such employee should as far as practicable be posted at the place where her husband is posted, Civil Surgeon, Patna may consider the plight of the petitioner that she may be posted on the permanent post on the sanctioned post of A.N.M. at Patna High Court Dispensary.

4. Petitioner has already filed a detailed representation dated 23.02.2023 as contained in ‘Annexure-13’ and if so advised, she may file a detailed representation bringing on record the details of the chain circumstances which have been anticipated by the petitioner.

5. The Civil Surgeon, Patna is directed to consider the representation of the petitioner and



must also take into account the fact that earlier also similar order was passed in favour of the petitioner by this Court vide order dated 22.04.2008 passed in CWJC No. 6431 of 2008. Subsequent to the same, this Court had passed specific order in the case of the petitioner in CWJC No. 15393 of 2019 on 02.08.2019.

6. The Civil Surgeon, Patna must also taken into account the circular which is practically followed by the State Government in case similar to the present case of the petitioner where she has requested for her permanent posting at the place where her husband is posted for all practical purposes.”

3. Learned counsel appearing on behalf of the petitioner submits that the order has been complied with by passing a reasoned order after giving due opportunity of hearing to the petitioner.

4. The petitioner seeks permission to withdraw the present contempt petition with a liberty to avail the appropriate remedy to challenge the said order in accordance with law or in alternative, the petitioner must file a representation before the appropriate authority requesting to adjust her if the vacancy is available.

5. With the above observation/direction, the present contempt petition stands disposed of.

(Purnendu Singh, J)

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