

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13150 of 2023

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Akhileshwar Prasad Son of Late Jadgeo Prasad, Resident of Village- Godhiya,
P.O- Bangraha, P.S- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Health, Government of Bihar, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar, Patna.
4. The Director in Chief, Health Services, Department of Health, Government of Bihar, Patna.
5. The Regional Additional Director, Kosi Division, Saharsa.
6. The District Magistrate, Supaul, District- Supaul.
7. The Chief Medical Officer, Supaul, District- Supaul.
8. The Civil Surgeon, Supaul, District- Supaul.
9. The Additional Chief Medical Officer, Supaul, District- Supaul.
10. The Incharge Deputy Superintendent, Sub Divisional Hospital Nirmali, District- Supaul.
11. The Incharge Medical Officer Referral Hospital Raghapur, District- Supaul.
12. The Treasury Officer Supaul, District- Supaul.
13. The Accountant General, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar, Advocate
For the Respondent/s : Mr.Rajeshwar Singh (Ga 10)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-02-2024 1. The present writ petition has been filed seeking the
following relief(s):-

*“1(A) For issuance of an appropriate
writ order or direction setting aside part
of the order contained in Memo No- 1852
dated 14-07-2023 (Annexure- 9)
particularly Clause (ii) passed by Civil*



Surgeon cum Chief Medical Officer Supaul whereby in a departmental proceeding differing with the report of Conducting officer regarding recommendation for payment of salary for the period 13-06-2020 till 03-10-2021, he being Disciplinary authority has passed orders for consideration of regularization of services of petitioner w.e.f 13-06-2020 till 03-10-2021 on proper application being filed by petitioner.

(B) For issuance of an appropriate writ order or direction directing the respondents to take decision on the petition/application dated 16-08-2023 (Annexure-10) which was filed by petitioner pursuant to order contained in Memo No-1852 dated 14-07-2023 passed by Civil Surgeon cum Chief Medical Officer Supaul and regularize the services of petitioner w.e.f 13-06- 2020 till 03-10-2021 and thereafter pay the salary for the said period and also to pay other unpaid pensionary benefits as petitioner has already superannuated on 31- 01-2023 from the post of Clerk Sub-Divisional Hospital Nirmali Supaul District- Supaul.

(C) For issuance of an appropriate writ order or direction directing the



respondents to start the pension of petitioner and also to pay other unpaid pensionary benefits as petitioner has already superannuated on 31- 01-2023 from the post of Clerk Sub-Divisional Hospital Nirmali Supaul District-Supaul.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 14.07.2023, to the extent he seeks annulment of Punishment No.(ii) by filing appropriate appeal. Liberty so sought is granted.

3. It is needless to state that in case appropriate appeal is filed, within a period of four weeks from today, the appellate authority shall consider the same on merits and pass a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.

4. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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