

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16503 of 2022

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Anjani Kumari wife of Sri Chandra Bhushan Chaubey resident of Ward No. 13, near Dr. N. Jha College, Mirzapur Jagni, P.O. Rampura, P.S. Singhwara, District- Darbhanga, presently working as Auxiliary Nurse Midwifery (A.N.M.), Primary Health Centre, Singhwara, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, The Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Bihar, Patna.
4. The Civil Surgeon-cum-Chief Medical Officer, Darbhanga, District-Darbhangha.
5. The Incharge Medical Officer, Primary Health Centre, Singhwara, District-Darbhangha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Awnish Kumar, Adv.
For the Respondent/s : Mr.S.D. Yadav (Aag9)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-03-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of an appropriate in the nature CERTIORARI for quashing the order dated 29.10.2022 issued under the signature of the Respondent no.4 and contained in his memo no.3329 dated 29.10.2022, whereby and whereunder he has decided to hold a departmental proceeding under Rule-55 of the Bihar Civil Services (Classification Control and Appeal) Rules, 2005 (hereinafter referred to as the Bihar CCA Rules, 2005) for the purposes of recovery of Rs.2 Lacs from the petitioner for



payment of compensation to Sri Sanjeet Yadav, whose wife Binita Devi allegedly died due to medical negligence in Primary Health Centre, Singhwara at the time of deliver.

(ii). For a declaration that since the petitioner was not on duty at the time of treatment of Binita Devi (deceased) in view of letter dated 21.07.2022 issued under the signature of the Respondent no.3 and contained in his memo no.700(6) dated 21.07.2022, no responsibility can be fastened against the petitioner, if, she was not duty at that point of time and thus the decision for holding departmental proceeding against the petitioner for recovery of the compensation amount by the impugned order of Respondent no.4 is totally misconceived and misplaced.”

2. At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to raise all the issues raised in the present writ petition before the disciplinary authority. Liberty, so sought, is granted.

3. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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