

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1273 of 2023
In
Civil Writ Jurisdiction Case No.6382 of 2017

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1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
 2. The Director in Chief (Nursing), Health Services, Bihar, Patna.
 3. The Civil Surgeon cum Chief Medical Officer, Supaul.
 4. Incharge Medical Officer, Primary Health Centre, Basantpur, District-Supaul.
 5. Distrit Treasury Office, Supaul.

... .. Appellant/s

Versus

1. Soman Bhagat son of Late Awadh Bhagat, Resident of Village-Sapha, Police Station-Saur Bazar, District-Saharsa.
2. Accountant General Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamlesh Kishore (A.C. To S.C.12)
For the Respondent/s : Mr. Shiv Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 25-07-2024 The appellant is the State and is aggrieved with the order dated 12.10.2023 passed in CWJC No. 6382 of 2017 directing appearance of the Director-in-Chief (Administration), Health Services, Bihar, Patna which was only based on the alleged non-compliance of the order dated 25.07.2023 passed by the learned Single Judge.

2. The State has also filed an interlocutory application bringing on record the order dated 25.07.2023 passed in CWJC No. 6382 and challenging the same. We find that therein the



learned Single Judge had *prima facie* found the order challenged to be perverse and directed compliance of the directions in LPA No. 364 of 2014. We also do not see any reference to the law or facts of the case specific case quoted as L.P.A No. 364 of 2014 and any comparison of the facts therein to the present case for application of the law declared.

3. We asked consent from the learned Counsel for the respondent, whether the matter can be heard by us. However, learned Counsel wanted the matter to be heard by the learned Single Judge having roster, since the petitioner would otherwise loose an intra-court appellate remedy.

4. In such circumstances, we set aside both the orders dated 25.07.2023 and 12.10.2023 passed by the learned Single Judge in CWJC No. 6382 of 2017, since the writ petition itself has to be heard finally. We direct the matter to be posted before the Bench having roster as of now.

5. The appeal stands disposed of without any observation on the merits.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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