

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5917 of 2020

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Ajit Kumar Gami, Son of Late Ramchandra Gami, Resident of North of Kadirabad Chowk, Ruhelaganj Ward No. 5, P.S. L.N.M. University, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, New Secretariat, Patna.
3. The Addl. Secretary-cum-Director General (Ayush), Health Department, Government of Bihar, New Secretariat, Patna.
4. The Conducting Officer-cum-Director, Health Department (Ayush), Government of Bihar, New Secretariat, Patna.
5. The Presenting Officer-cum-Addl. Secretary, Health Department (Ayush), Government of Bihar, New Secretariat, Patna.
6. The Deputy Director, Health Department (Ayush), Government of Bihar, New Secretariat, Patna.
7. The Principal Rajkiya Maharani Rameshwari Bhartiya Chikitsa Science Institute, Mohanpur, Darbhanga.
8. The Principal Rajkiya Sri Dhanwantari Ayurved College and Hospital Ahirauli, Baxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha
For the Respondent/s : Mr. Rajeshwar Singh (GA10)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 19-08-2025 Heard learned counsel for the petitioner and learned
counsel for the respondents-State.

2. This petition has been preferred by the petitioner
questioning the validity of charge memo issued against him by



the department. Through the Interlocutory Application No. 01 of 2022, it has been brought on record that during the pendency of this writ petition, the disciplinary authority passed the order of punishment dated 08.05.2020 i.e. Annexure-20 annexed with the Interlocutory Application. Therefore, the petitioner seeks permission of this Court to amend the prayer clause of the pleading whereby he wants to challenge the order of punishment passed by the disciplinary authority.

3. Learned counsel for the petitioner submits that since the petitioner has remedy to file an appeal against the order of punishment before the Appellate Authority under the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005, therefore, this petition can be disposed of directing the petitioner to file an appeal before the Appellate Authority.

4. On the basis of the above submissions made by both the counsels, the writ petition is disposed of. The petitioner is directed to avail the remedy of appeal against the order of punishment before the Appellate Authority. If the appeal is filed by the petitioner then the Appellate Authority is also directed to consider and decide the same in accordance with relevant rules and law as early as possible probably within a period of 60 days from submission of such appeal.



5. However, it is directed to the appellate authority to
condone the delay, if any, in filing the appeal.

(Arvind Singh Chandel , J)

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