

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18686 of 2016

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Sanjay Kumar @ Sanjay Kumar Pathak Son of Late Dr. Kashi Nath Pathak
Resident of Mohalla Maharaja Hata, Katira Pakari, P.S. Arrah Nawada,
District Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Health, Government of Bihar, Patna
2. The Principal Secretary, Department of Health, Government of Bihar, Patna
3. The Director-in-Chief, Health Services, Government of Bihar, Patna
4. The State Leprosy Eradication Officers, Bihar patna
5. The Civil Surgeon-Cum-Chief Medical Officer, Bhojpur at Ara

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Sudha Chandra, Advocate
Mr. Prabhat Kumar Singh, Advocate
Mr. Avinash Shekhar, Advocate
For the Respondent/s : Mr. Birju Prasad, G.P.-13

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-09-2025 The petitioner has filed the instant application for the
following relief(s):

*“(i) To issue an appropriate writ, order or
direction in the nature of mandamus commanding the
Respondents to take back the petitioner in service with
all consequential benefits.*

*(ii) To issue further appropriate writ, order
or direction commanding the Respondents to allow the
petitioner to work as Non-Medical Assistant on which*



he was appointed by the Civil Surgeon-Cum-Chief Medical Officer Bhojpur Ara after following all due process of law.

(iii) This Hon'ble Court may adjudicate and hold that the Respondent Authorities cannot adopt a pick and choose method in the matter of appointment and removal of its employees.

(iv) This Hon'ble Court may further adjudicate and hold that the Respondents were completely unjustified in allowing the other similarly situated Class III employees appointed by the same authority to continue working remove the petitioner.

(v) This Hon'ble Court may further adjudicate and hold that the action of respondent in adopting a pick and choose method in the matter of appointment and removal of its employees is arbitrary exercise of the authority.

(vi) This Hon'ble Court may further adjudicate and hold that the petitioner has a legitimate expectation to continue and work on the post on which he was appointed by the Respondent Civil Surgeon in the year 1989.

(vii) This Hon'ble Court may award the cost of litigation and suitable compensation to the petitioner for the loss and damages caused on account of the illegal and arbitrary actions of the Respondent Authorities.

(viii) To grant any other relief or reliefs which the petitioner may be found entitled to in the facts and circumstances of the case."

2. Learned counsel for the petitioner prays for withdrawal of this application.



3. In view of the above, the application is dismissed as
withdrawn.

(Partha Sarthy, J)

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