

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5901 of 2025

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Shyam Bihari Chaubey Son of Late Ram Kripal Chaubey Resident of Village
and P.O.- Nagpura, P.S.- Simri, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Health, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Health, Government of Bihar, Patna.
3. The Secretary, Department of Health, Government of Bihar, Patna.
4. The Director, AYUSH Sector, Government of Bihar, Patna.
5. The Principal, Government Dhanwantari Ayurvedic College, Ahirauli, Buxar.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Pandey, Advocate Mr. Binod Kumar Mishra, Advocate Mr. Anand Amritesh , Advocate
For the Respondent/s	:	Mr. Addl. Advocate General (05)
For the A.G.	:	Mr. Binod Kumar Labh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-04-2025 Heard Learned Counsel for the petitioner, Learned Counsel for the Accountant General, Bihar, and Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the case of the petitioner is exactly similar to the petitioners of L.P.A. No.1210 of 2018 and L.P.A. No.1211 of 2018 (State of Bihar and Others Vs. Bishram Ojha and Others). Learned Counsel for the petitioner submits that for the purpose of



granting relief, the petitioner has filed representation (Annexure-P/16) describing all the details on 19.12.2024, but on his representation no decision has taken place as yet. It is due to this reason, the petitioner has filed the present writ petition granting the same relief which were granted to the petitioners of L.P.A. mentioned above.

3. Learned Counsel for the State submits that permission may be granted to file counter affidavit in this matter as the case of petitioner may differ from the case of the petitioners of those LPAs on the basis of which the petitioner is seeking relief.

4. In the light of the submissions made, this Court is of the view that keeping the writ petition pending for years before this High Court shall not solve any purpose and, hence, this writ petition is disposed off directing respondent No.3, the Secretary, Department of Health, Government of Bihar, Patna, to take a decision on the representation of the petitioner within 90 days from the date of receipt/production of a copy of this order.

5. It is made clear that this Court has not looked into the merit or demerit of the case and liberty is hereby granted to respondent No.3, the Secretary, Department of Health,



Government of Bihar, Patna, that he shall compare the case of the petitioner with the petitioners of aforesaid LPA and if found that both the cases are based on equal footing, then in that case the law of land i.e., Section 4C of the Bihar State Litigation Policy, 2011 shall apply.

(Dr. Anshuman, J)

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