

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7480 of 2024

Vinod Kumar Pandey Son of Late Prabhu Narayan Pandey, Resident of Village-Sarnarayan Saraia, P.O. Darihara, P.S. Dariyapur, District-Saran at Chapra. Presently posted as Upper Division Clerk in the office of District Leprosy Eradication Unit, Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Department of Health, Bihar, Patna.
2. The Principal Secretary, General Administration Department , Bihar,Patna.
3. The Director-in-Chief, Department of Health, Bihar,Patna.
4. The Regional Additional Director, Saran Division, Department of Health,Bihar, Patna.
5. The District Magistrate, Siwan.
6. The Civil Surgeon-cum-Chief Medical Officer, Siwan.
7. The Treasury Officer, Siwan.
8. The Additional Chief Medical Officer, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha
For the Respondent/s : Mr. Standing Counsel (18)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 09-09-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. This writ petition has been filed for issuance of an

appropriate writ, order, or direction for the following reliefs:-

“(A) To quash the order passed by the Civil Surgeon Cum-Chief Medical Officer, Siwan i.e. respondent No.6 contained in Memo No. 669 dated 13.03. 2024 whereby and where under Punishment of Censor has been awarded to the Petitioner, and,



further, the Additional Chief Medical Officer, Siwan is directed to endorse the aforesaid Punishment in the Service Book of the Petitioner and Produce the same before the undersigned i.e. respondent no.6;

B) Consequently to direct the respondents to grant Promotion to the Petitioner to the post of Assistant Administrative Officer, from the date on which the Petitioner was entitled in the Pay Scale of Rs.9300-34800 + 4800 i.e. level 8 in view of the Gradation List published on 14.01.2019 by the respondent No.6.”

3. A show cause notice was issued to the petitioner by the Civil Surgeon-cum-Chief Medical Officer, Siwan i.e., Respondent No. 6 vide its Memo No. 340 dated 07.02.2024, by which the petitioner was directed to file a reply to the show cause within 24 hours. The reply to the show cause notice was somehow submitted by the petitioner on 09.02.2024 before the respondent no. 6 and thereafter, without considering the facts, the Civil Surgeon-cum-Chief Medical Officer, Siwan passed the impugned order of Censor.

4. This kind of show cause is no show cause in the eyes of the law as the petitioner was not given proper opportunity to prepare and file his reply to the show cause within a reasonable time, therefore, the impugned order, by



which the punishment of Censor was awarded to the petitioner, is held to be illegal.

5. In view of the discussions made above, the writ petition stands allowed. Accordingly, the order passed by the Civil Surgeon Cum-Chief Medical Officer, Siwan contained in Memo No. 669 dated 13.03. 2024 is hereby quashed.

6. The petitioner is granted 15 days' time from today to file his fresh reply to the show cause notice, which shall be considered by the respondent authorities. While considering the reply to the show cause notice, the petitioner shall be given a chance of hearing and thereafter an appropriate order shall be passed in accordance with law by the Civil Surgeon Cum-Chief Medical Officer, Siwan i.e., Respondent No.6.

(Sandeep Kumar, J)

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