

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7139 of 2024

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Ranjit Kumar Son of Late Lala Sachidanand Prasad, Resident of Mohalla- Nai Basti, Mahadeva, P.O.- Siwan, P.S. O.P. Thana Siwan, District- Siwan, Presently posted at Community Health Centre, Guthani, 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 Incharge Medical Officer Community Health Centre, Guthai, Siwan.
8. The Treasury Officer Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the Respondent/s : Mr. Md. Raisul Haque, S.C.-10

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present petition has been filed 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. 538
dated 29.02.2024 whereby and where under the
following Punishment has been awarded to the
Petitioner that too without any proceedings:-*



(i) Promotion to the post of Assistant Administrative Officer, given to the Petitioner has been withdrawn with immediate effect.

(ii) Censor

(iii) Withholding of one increments of Pay with cumulative effect, and, further, the Incharge Medical Officer, Community Health Centre, Guthani 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 instead of Rs.9300-34800 + 4600 which the Petitioner is getting at present.

3. By show-cause notice dated 07.02.2024, the petitioner was granted only 24 hours' time to file his reply. Learned counsel for the petitioner submits that the same is in complete violation of the principles of natural justice, as sufficient time was not granted to the petitioner to file his show-cause. It is, therefore, contended that any action taken against the petitioner on the basis of the said show-cause is fit to be quashed.



4. Learned counsel for the State has tried to defend the impugned show-cause notice.

5. Considering the fact that the show-cause notice granted only 24 hours to file reply, I am of the view that the same is in violation of the principles of natural justice. For filing an effective reply to a show-cause notice, 24 hours' notice cannot be treated as sufficient.

6. In the circumstances, this application is allowed. The impugned order contained in Memo No. 538 dated 29.02.2024 stands quashed.

(Sandeep Kumar, J)

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