

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9598 of 2018

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Akhilesh Sharma Son of late Ramyatan Sharma Resident of Mohalla-
Lakhibagh, Near Bulla Shahid Police Station Mofasil and District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Health and Family Welfare Department,
Government of Bihar, Patna.
3. The Civil Surgeon-Cum-Chief Medical Officer, Gaya.
4. The In-Charge Medical Officer, Primary Health Centre, Sherghati, District-
Gaya.

... .. Respondent/s

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With
Civil Writ Jurisdiction Case No. 7379 of 2022

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Akhilesh Sharma Son of Late Ramjatan Sharma Resident of Village- Kundila,
Police Station- Shakurabad in the district of Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Government of Bihar, Patna.
4. The District Magistrate cum Collector, Gaya.
5. The Civil Surgeon-cum-Chief Medical Officer, Gaya.
6. The In-charge Medical Officer, Primary Health Centre, Sherghati in the
district of Gaya.
7. Dr. Rajendra Prasad Sinha Son of not known to the petitioner the then Civil
Surgeon-cum-Chief Medical Officer, Gaya.
8. Dr. Rajendra Prasad Singh Son of not known to the petitioner the In-charge
Medical Officer, Primary Health Centre, Sherghati in the district of Gaya.

... .. Respondent/s

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Appearance :
(In Civil Writ Jurisdiction Case No. 9598 of 2018)



For the Petitioner/s : Mr. Alok Kumar Shahi, Advocate
Mrs. Archana Sinha, Advocate
Mr. Utsav Kumar, Advocate
For the Respondent/s : Mr. Binod Kr.Yadav, SC-18
(In Civil Writ Jurisdiction Case No. 7379 of 2022)
For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr.Kamlesh Kishore, AC to SC-12
For Respondent No.7 : Mrs. Vijaya Laxmi Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 07-08-2025

Heard Learned Counsel for the petitioners
and Learned Counsel for the State in both the cases.

2. The first writ petition (CWJC No.9598 of 2018) has been filed by the petitioner for quashing the order contained in Memo No.621 dated 27.02.2018, issued under the signature of the Civil Surgeon-cum-Chief Medical Officer, Gaya, by which he has been dismissed from service with immediate effect.

3. The second writ petition (CWJC No.7379 of 2022) has been filed by the petitioner with the following reliefs:-

“I. To direct the respondents especially respondent no.2 to take action against respondent nos.7 and 8 who dismissed the petitioner from the service in most illegal and arbitrary manner without following the mandate of



law and also without providing any opportunity of hearing to the petitioner.

II. Also to direct the respondents to take legal/departmental action against the respondent nos.7 and 8 who illegally issued the dismissal order contained in Memo No. 621 dated 27.2.2018 against the petitioner due to non-fulfillment of illegal gratification demanded by the respondent no.8.

III. Also for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

4. Learned Counsel for the State has raised preliminary objection that against the dismissal from service by the decision of Civil Surgeon-cum-Chief Medical Officer, Gaya, the petitioners in both the cases have not preferred any appeal and come directly to this Hon'ble Court.

5. Learned Counsel for the petitioners submits that liberty may be granted to prefer appeal but a time frame may be fixed so that there may not be unnecessary delay.

6. In the light of the submissions made by the



parties, both these writ petitions are disposed off directing the petitioners to avail the remedy of appeal before the appellate authority under the statute.

7. The appellate authority ignoring the delay shall entertain the appeal, if filed within 30 days from today, and after consideration of all the documents shall pass order in accordance with law within 90 days thereafter.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2025
Transmission Date	

