

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9684 of 2025

Dr. Kushagra Garg, Son of Shri Krishna Kumar Dubey, Resident of East of Thana Chowk, Pokhra Mohalla, P.S.- Hajipur, District- Vaishali, Bihar- 844101.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar, Patna.
4. The Officer on Special Duty, Health Department, Government of Bihar, Patna.
5. The Special Secretary, Health Department, Government of Bihar, Patna.
6. The Civil Surgeon-cum-Chief Medical Officer, Saran, Chapra.
7. The Superintendent, Sadar Hospital, Chapra.
8. The Deputy Superintendent, Sadar Hospital, Chapra.
9. The Director-in-Chief, Health Department, Government of Bihar, Patna.
10. The Principal/Superintendent, A.N.M.M.C.H., Gaya
11. The Treasury Officer, Saran, Chapra.
12. The Treasury Officer, Gaya.
13. The Executive Director, State Health Society, Bihar.
14. The District Magistrate, Saran, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Shweta Anand, Advocate
For the Respondent/s	:	Mr. Upendra Prasad Singh, AC to GP-25
For the B.H. S.	:	Dr. Anand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-06-2025 Heard learned Counsel for the petitioner, learned Counsel for the State Health Society, Bihar, and learned Counsel for the State.

2. The present writ petition has been filed by the



petitioner with the following reliefs:-

“(i). For issuance of writ in the nature of CERTIORARI setting aside the part experience certificate of the petitioner, contained in memo no.591 dated 30.03.2025 (Annexure-18) issued under the signature of the Superintendent, Sadar Hospital, Chapra, duly signed on 29.03.2025 by which experience certificate of the petitioner as Medical Officer (ORTHO) from 27.01.2023 to 03.02.2025 illegally deducting 125 days has been granted without perusal of the attendance register.

(ii) For issuance of writ in nature of MANDAMUS for directing the respondent, competent authority, the Civil Surgeon-cum-Chief Medical Officer, Saran, Chapra, to issue work experience certificate of the petitioner immediately from 27.01.2023 to 03.02.2025 as functioning his daily continuously as Medical Officer (ORTHO) in Sadar Hospital, Chapra after perusal of the attendance Register so that it could be attached urgently for the post of Specialist Medical Officer (SMO) in pursuant to the Advertisement No.13/2025 (Annexure-12).

(iii) For commanding the respondent authority to make payment of



honorarium for the deducted period of 125 days having due salary of Rs.3,54,166/- (Three Lakhs Fifty Four Thousnad and One Hundred Sixty Six only).

(iv) For commanding the respondent authority to place the concerned attendance register from 27.01.2023 to 03.02.2025 of the Medical Officer (ORTHO), Sadar Hospital, Chapra before the Hon'ble Court in order to show the real attendance of the petitioner if there is only doubt for issuance of work experience certificate.

(v) For grant of any other relief(s) to which the petitioner may be found entitled in the facts and circumstances of the present case.”

3. Learned Counsel for the petitioner submits that the petitioner was shown absent on his duty in spite of the fact that he was present in the office, his attendance was also there in the office and on the lack of his absence petitioner was shown absent. Counsel for the petitioner submits that the representation has been filed before the Civil Surgeon-cum-Chief Medical Officer, Saran, Chapra, vide Annexure-P/20, but on his representation dated 16.04.2025 no decision has been taken, it is due to this reason the petitioner has no option but to file the present writ petition.



4. Learned Counsel for the State submits that this matter has been dealt by other set of respondent, namely, State Health Society.

5. Learned Counsel for the State Health Society submits that the decision with regard to Civil Surgeon, Saran has to be taken at the level of respondent No.6 only, with whom the petitioner is with contest.

6. In this view of the matter, it is necessary that the authority higher than the Civil Surgeon shall decide this issue and, therefore, it is directed to the Executive Director, State Health Society, Bihar, to pass order in the matter of petitioner within 30 days from the date of receipt/production of the representation. The petitioner shall file fresh representation indicating all details at the earliest within one week.

7. With this direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

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