

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4531 of 2010

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Mithilesh Kumar Singh son of late Sukhdeo singh R/o vill- Sarmastpur, P.S.
Karpi District Arwal

... .. Petitioner/s

Versus

1. The State Of Bihar through Mr. C.K. Mishra, the Principal Secretary-cum-commissioner, Dept. of Health and Family Welfare , Govt of Bihar, Patna
- 2.Mr. R.N. Pandey. the Director-in-Chief, Health Services, Government of Bihar, Patna
3. Mr. A.K. Jha, the Deputy Director, Health Services, Government of Bihar, Patna,
4. Mr. Dilip Kumar, the Regional Deputy Director, Health Services, Gaya Division, Gaya.
5. Mr. Dr. Parsuram Bharti, the Civil Surgeon-cum-Chief Medical Officer, Aurangabad,
6. Mrs. Shashi Ram, the Civil Surgeon-cum-Chief Medical Officer, Jehanabad,
7. Mr. Dr. Ramdeo Ram, the Additional Chief Medical Officer, Aurangabad,
8. Mr. Dr. Manoj Kr. Kausik, the Incharge Medical Officer, Primary Health centre, Haspura, District- Aurangabad.

.....Respondents/Opp. Parties

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar Verma, Advocate
For the Opposite Party/s : G A-3

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

10 22-07-2025 The matter has been listed under the heading ‘To Be

Mentioned’ pursuant to the mentioning slip filed on behalf of

learned counsel for the petitioner.

Re.: Interlocutory Application No. 1 of 2025

2. This interlocutory application has been filed for

withdrawal of M.J.C. No. 4531 of 2010, which was filed for

initiation of contempt proceedings for willful and deliberate



disobedience of the order dated 06.10.2009 passed in C.W.J.C. No. 5776 of 2008 and its analogous cases by the Bench of this Court.

3. Learned counsel for the petitioner submits that due to ill health and severe financial constraints, the petitioner is unable to pursue the litigation further.

4. On the other hand, learned counsel for opposite party no. 5 has filed a show cause stating therein that against the order of the learned Writ Court, the State of Bihar preferred L.P.A. No. 935 of 2012, which was disposed of by a Division Bench of this Court *vide* judgment dated 06.12.2021, wherein the following direction was issued:

"In this view of the matter, as jointly prayed for, we dispose of the present appeal with a direction to the appellant authority to consider the case of the writ petitioner/respondent herein in the light of the ratio laid down in ***Devendra Sharma*** (supra).

Writ petitioner/respondent herein shall approach the appellant authority within a period of four weeks for which period *status quo* as on date shall be maintained, failing which there shall be automatic vacation of the order, with all consequences to follow.



However, as and when any such request is received, the same shall be considered and decided in accordance with law within a period of two months thereafter. The authority shall pass an order accounting for all the attending facts and circumstances of the present case, including the law laid down by the Hon'ble Apex Court in ***Devendra Sharma*** (supra). Whether the writ petitioner/respondent's appointment is illegal or irregular would be examined with all resultant consequences."

5. Considering the facts and circumstances of the case and in view of the submissions advanced, the prayer made in the interlocutory application is allowed.

6. Accordingly, M.J.C. No. 4531 of 2010 stands dismissed as withdrawn.

7. I.A. No. 1 of 2025 is, accordingly, allowed.

(Khatim Reza, J)

shyambihari/-

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