

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6443 of 2017

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Saryu Prasad Son of Late Ramyatan Prasad, Resident of Village- Gulamichak,
P.O.P.S.- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Administrative Officer, Jay Prabha Hospital and Investigation Centre,
Patna.
3. The Treasury Officer, Collectariate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Adv
For the Respondent/s : Mr. Ajay Behari Sinha-GA8

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 19-08-2025 Heard learned counsel appearing for the petitioner
and learned senior counsel appearing for the respondent-State.

2. In 2017 when the petitioner had filed this writ
application, the petitioner had prayed for the grant of following
reliefs:

*(i) For direction to the
respondents to give the all dues of service
period of Late Ramyatan Prasad who died in
harass in the service period and he adopted
a son namely Saryu Prasad (Petitioner) in
the life period before his death.*

*(ii) For direction to the
respondents to appoint the petitioner as
compassionate ground after the death of his
father namely Late Ramyatan Prasad who*



adopt the petitioner as his son.

*(iii) For any other relief/reliefs
which the petitioner is entitled as per law.*

3. Subsequently in 2025, the petitioner filed an interlocutory application bearing I.A. No. 01 of 2025 by which a prayer has been made for allowing the petitioner to challenge the order dated 17.05.2013 said to have been passed by Civil Assistant Surgeon-cum-Chief Medical Officer, Patna by which the prayer for compassionate appointment has been rejected.

4. Learned senior counsel appearing for respondent-State submits that the prayer made in the interlocutory application is wholly ill-conceived and mis-conceived for the reason that the order dated 17.05.2013 passed by Civil Assistant Surgeon-cum-Chief Medical Officer, Patna which the petitioner now wants to challenge through the I.A. No. 01 of 2025, is an order which preceded the date of filing of the present writ application and ought to have been challenged in the writ. He further submits that this is not a case where any subsequent development has taken place during the pendency of the writ application, therefore, the interlocutory application filed by the petitioner, if allowed, would tantamount to permit the petitioner to challenge an order which was passed twelve years back.



Learned senior counsel further submits that since the order dated 17.05.2013 was passed much before filing of the present writ application, therefore, it was the bounden duty of the petitioner to have disclosed this fact in the writ application, which the petitioner had failed to do.

5. Under these circumstances, the learned senior counsel appearing for respondent-State submits that not only I.A. No. 01 of 2025 should be dismissed but even the main relief claimed in the writ application cannot be allowed for the reason that the claim for compassionate appointment has already been rejected by the respondent-State vide order dated 17.05.2013, which was never challenged by the petitioner.

6. It is not in dispute that the order of Civil Assistant Surgeon-cum-Chief Medical Officer, Patna dated 17.05.2013 precedes the date of the filing of the present writ application. Since this is not a development which has taken place during the pendency of the writ application, therefore, it does not give any cause of action to the petitioner to challenge this order by filing I.A. No. 01 of 2025. I.A. No. 01 of 2025 is, therefore, rejected.

7. Given the undisputed position that the claim for compassionate appointment has already been rejected vide order dated 17.05.2013 passed by Civil Assistant Surgeon-cum-Chief



Medical Officer, Patna and the petitioner did not chose to challenge the same, as such the said order became final and therefore, the reliefs claimed for by the petitioner in the present writ application now cannot be allowed.

8. In view of the above facts and circumstances, the present writ application is dismissed. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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