

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3314 of 2026

=====

Kanchan Kumar S/o Sri Chandradeo Prasad, Resident of Village- Alipur, P.S.-
Guraru, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The Additional Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Special Secretary, Health Department, Government of Bihar, Patna.
4. The Officer on Special Duty cum Deputy Secretary, Health Department,
Government of Bihar, Patna.
5. The Civil Surgeon cum Chief Medical Officer, Patna.
6. The Incharge Medical Officer, Community Health Centre, Dhanarua, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Advocate
For the State : Mrs. Puspanjali Sharma (AC to SC-20)

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-03-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for issuance of a writ in the nature of mandamus directing the respondent authorities to immediately post the petitioner on a sanctioned vacant post of Homeopathic Medical Officer with all consequential benefits from the date of his appointment, as the post on which he was earlier posted after appointment i.e. Additional Primary Health Centre, Dhamal, Dhanarua does not exist. And/or pass such other order/orders as this Hon'ble Court may think fit and proper in the facts and circumstances of the case.



3. Learned counsel for the petitioner submits that exactly similar case has been decided by the Co-ordinate Bench of this Court in C.W.J.C. No. 5382 of 2025 (Abhishek Kumar Vs. The State of Bihar & Ors.) which was disposed of *vide* order dated 14.10.2025 directing the Special Secretary, Department of Health, Government of Bihar to immediately, preferably within two weeks, issue a guideline to the Civil Surgeon cum Chief Medical Officer, Nalanda. Counsel further submits that the petitioner has filed his representation and his representation is pending before the Additional Secretary, Department of Health, Govt. of Bihar, Patna, which is annexed as Annexure-P/5.

4. Learned counsel for the State submits that since, the petitioner's representation is pending before the authority concerned, therefore, a direction may be given so that a decision may be taken on his representation.

5. After hearing the parties, it transpires to this Court that the Co-ordinate Bench of this Court has passed order in C.W.J.C. No. 5382 of 2025 whose para 2 to 5 is very much relevant which states as follows:-

“2. In the present writ application, the petitioner has prayed for the grant of following relief(s):-

That the present application is for



issuance of a writ in the nature of writ of mandamus directing the concerned respondent authority to accept the joining of the petitioner from the date he has given the same, in light of the notification vide memo no. 748 dated 19.07.2024 issued by the Health Department, Government of Bihar with all consequential benefits. And/or pass such other order/orders as this Hon'ble Court may think fit and proper in the facts and circumstance of the case.

3. During the course of argument, learned counsel for the petitioner has drawn the attention of this Court to a communication contained in Letter No. 3451 dated 30.11.2024 contained in Annexure-3 to the writ application by which the Civil Surgeon-cum-Chief Medical Officer, Nalanda had sought guideline from the Special Secretary, Department of Health, Government of Bihar regarding acceptance of joining of the petitioner. The Court has been informed that till date no guideline has been issued in light of Letter No. 3451 dated 30.11.2024 contained in Annexure-3 to the writ application.

4. With the consent of parties, this writ application is being disposed of directing the Special Secretary, Department of Health,



Government of Bihar to immediately, preferably within two weeks, issue a guideline in light of Letter No. 3451 dated 30.11.2024 contained in Annexure-3 to the writ application to the Civil Surgeon-cum-Chief Medical Officer, Nalanda and Civil Surgeon-cum-Chief Medical Officer, Nalanda shall act in accordance with the said guideline without wasting any further time.

5. With the aforesaid observation and direction, this writ application stands disposed of.”

6. In this view of the matter, the petitioner is hereby directed to file a fresh representation along with a copy of this order before the Special Secretary, Health Department, Government of Bihar, Patna (Respondent no.3) within 30 days from today. Upon receipt of the same, the Respondent no.3 is directed to take a decision within three weeks thereafter.

7. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

U			
---	--	--	--

