

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8756 of 2022

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Virmati Aryani W/o Dr. Uday Kumar, R/v-L.I.G. 14/94, Hanuman Nagar,
Kankarbagh, P.S.-Kankarbagh, Distt.-Patna.

... .. 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, Health Department, Government of Bihar, Patna.
4. The Joint Secretary, Health Department, Government of Bihar, Patna.
5. The Civil Surgeon, Bhojpur, Ara.
6. The Accountant General (A and E) Birchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kr. Srivastava, Advocate
For the Respondent/s	:	Mr. Pankaj Kumar (SC-12)
		Mr. Anuj Kumar, AC to SC-12
For the Accountant General:		Mr. Ram Kinkar Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 30-01-2026 Learned Counsel for the petitioner, learned Counsel
for the Accountant General and learned Counsel for the State are
present.

2. Learned Counsel for the petitioner submits that the
present writ petition has been filed for issuance of an
appropriate writ directing the respondents to quash letter
No.347(9) dated 30.06.2021 by which Dr. Uday Kumar, the
husband of the petitioner, was dismissed from service on the
ground of the absent since 05.01.2009 to 26.09.2014 and
27.04.2017 till the date of the order without taking any



permission that Dr. Uday Kumar was working in the said period getting the salary and further directed to provide service benefit to the petitioner, who is the wife of Dr. Uday Kumar.

3. Learned counsel for the State raised preliminary objection and submits that the order under challenge has been made by the competent authority under Rule 17 of the CCA Rules, 2005, which is appealable/reviewable, the petitioner without exhausting the remedy of appeal/review has come to this Hon'ble Court directly.

4. Learned Counsel for the petitioner fairly submits that this is the factual matrix which he cannot deny but he submits that there are series of points on the basis of which he is in a position to prove his case.

5. After hearing the parties, this Court without entering into the merit or demerit of the case granting liberty to the petitioner to prefer appeal/review before the competent authority within 30 days from today and the competent authority shall take decision within 90 days from the date of receipt/production of a copy of this order along with the memorandum of appeal/review. The counting of 90 days shall be counted after appearance of all concerned who are necessary to be heard.



6. With the aforesaid direction, this application stands disposed off.

(Dr. Anshuman, J)

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