

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6746 of 2017

Uday Shankar Pathak son of Late Hari Shankar Pathak, Resident of Village-
Pathkhauli, Police Station- Bagha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Joint Secretary, Health Department, Government of Bihar, Patna.
4. The Under Secretary, Health Department, Government of Bihar, Patna.
5. The Director-in-Chief, Health Services, Health Department, Bihar, Patna.
6. The Civil Surgeon, Motihari, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Respondent/s : Mr. Pankaj Kumar, AC to GA- 9

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-02-2026 Heard learned counsel for the parties.

2. The petitioner has filed the instant application for
the following reliefs:

“1. (i) A writ in the nature of certiorari or any other appropriate writ/order or direction for quashing memo No.22 (9) dated 11.01.2016 issued by Joint Secretary, Health Department, Government of Bihar, Patna, whereby and whereunder, the Petitioner has been put under suspension with immediate effect and his head quarter has been fixed at



Head Quarter Establishment Section (Section-2), Health Department, Bihar, Patna and he will be entitled for subsistence allowance as per Rule 10 of Bihar CCA Rules 2005.

(ii) A writ in the nature of certiorari or any other appropriate writ/order or direction for quashing memo No.23 (9) dated 11.01.2016 issued by the Under Secretary, Health Department, Government of Bihar, Patna, whereby it was decided to initiate departmental proceeding against the petitioner and memo of charge was handed over to the petitioner alongwith this letter.

(iii) A writ in the nature of certiorari or any other appropriate writ/order or direction for quashing enquiry report dated 31.08.2016 of Conducting Officer Mr. Shekhar Chandra Verma.

(iv) A writ in the nature of mandamus or any other appropriate writ/order or direction directing the respondents to pay subsistence allowance to the petitioner as per Rule 10 of Bihar CCA Rules 2005, which has not been paid to him as yet.

v) Any other appropriate



writ/order or direction which Your Lordships may deem fit and proper.”

3. It is submitted by learned counsel for the petitioner that as per instructions received, during pendency of the instant writ application, final order of punishment was passed which has been challenged by the petitioner in another writ application.

4. Learned counsel for the petitioner submits that some of the reliefs prayed for herein may still subsist even after passing of the final order of punishment. As such, it is submitted that in case the Court is inclined to finally dispose of the writ application, liberty may be given to file an appropriate application in the connected writ application for adding some of the prayers made herein in the said case.

5. Without going into the merits of the case of the petitioner, in view of the above submission, the writ application is disposed off with the liberty aforesaid.

(Partha Sarthy, J)

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