

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.311 of 2025

Dr. Shankar Baitha @ Shankar Baitha Son of Triveni Baitha, Resident of- Govt. Primary School, Hazma Tola Sant Kabir Road, Banu Chhapar, P.S.- Banu Chapra, District- West Champaran, At present posted as Chief Medical Officer, (Medical Surgeon), Primary Health Centre, Patahi, P.S.- Patahi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Deputy Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Regional Deputy Director, Tirhut Division, Muzaffarpur.
4. The District Magistrate, East Champaran, Motihari.
5. The Civil Surgeon cum Chief Medical Officer, East Champaran, Motihari.
6. Dr. Mohan Lal Prasad, Medical Officer Community Health Centre, Patahai, P.S.- Patahi, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. P.K. Verma (AAG-3)
		Mr. Dr. Mankeshwar Tiwari, (AC to AAG-3)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 18-04-2026

Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for the following relief/s:-

“A. A Writ in the Nature of Certiorari or any other appropriate writ / writs, order / orders, for quashing the order dated 12.11.2024 containing Memo No. 6058



issued by Civil Surgeon cum Chief Medical Officer, East Champaran, Motihari (Respondent No. 5) whereby and whereunder the Respondent No. 5 declared the Respondent No. 6 Incharge Medical Officer of Community Health Centre, Patahi, East Champaran, (Annexure-4).

B. A Writ in the Nature of Mandamus or any other appropriate writ /writs, order / orders, direction commanding the respondent for the following:-

I. To direct the Respondent authorities to allow the Petitioner to serve as Incharge Medical Officer of Community Health Centre, Patahi, East Champaran and also continuing as drawing Disbursement Officer.

II. To allow the Petitioner to work on the post of Incharge Medical Officer of Community Health Centre, Patahi, East Champaran considering the fact that he is Senior Most Medical Officer at that Centre.

C. To any other relief / reliefs to which the Petitioners are entitled for and the Hon'ble Court deems fit and proper.”

3. Learned counsel for the petitioner submits that the petitioner was appointed on the post of Medical Officer *vide* letter contained in Memo No. 1286 dated 06.11.2007 and



thereafter, joined at Primary Health Centre, Madhuban on 13.06.2008. Counsel submits that the petitioner was transferred from Primary Health Centre, Madhuban to Community Health Centre, Patahi, East Champaran, *vide* order contained in Memo No. 1616 dated 01.08.2015, where he joined on 07.08.2015. He further submits that the Health Department, Govt. of Bihar, Patna *vide* its letter contained in Memo No. 507(3) dated 26.07.2023 expressed and instructed to appoint Incharge Medical Officer, the senior most among others, at the respective health centre. Counsel submits that the petitioner was senior most person, but even then, his seniority was not considered and person junior to him was made Incharge Medical Officer, which is in gross violation of letter issued by the Health Department, Govt. of Bihar, Patna contained in Memo No. 507(3) dated 26.07.2023. He submits that it is due to this reason, the order impugned i.e. Annexure-P/4 be set aside with immediate effect.

4. Learned counsel for the State, on the other hand, submits that the petitioner has suppressed the material fact before this Hon'ble Court. He submits that it is true that he was senior to other person, but the member of Bihar Legislative Assembly, Chiraiya Constituency, the Sarpanch and the Mukhiya of Barashankar Panchayat, Mukhiya, Saraiya Gopal,



Sarpanch of Gram Kachahari Bakhari and member of Zila Parishad, 51 Patahi Constituency all filed complaint in respect of misconduct of the petitioner and mismanagement of Primary/Community Health Centre, Patahi where the petitioner was the Incharge. Counsel further submits that on the allegation made by the people's representative, Three Member Committee of Senior Medical Officers to the district was constituted. The committee inquired into the matter and submitted its report *vide* Letter No. 207 dated 13.09.2024 and upon enquiry, it was found that the petitioner found absent from duty without information to anybody; work of establishment was hampered; the petitioner did not take care of handling and taking over the charge of transferred staff; post retiral due was not paid to ANM who superannuated seven months ago; staff made complaint against the conduct of the petitioner for not proceeding for their admissible increasement; patients present at the OPD of the centre on the date of inquiry reported that the petitioner did not remain present regularly at the Primary/Community Health Centre in question; record of medicine stock and distribution was not found maintained; record relating to diesel purchase for generator and log book for the same were not found maintainable. Counsel submits that another Doctor posted as



Dental Doctor at the Health Centre in question has also filed complaint against the misconduct of the petitioner and on the basis of Three Member Committee report, the Regional Deputy Director, Tirhut Division, Muzaffarpur agreed with the proposal to remove the petitioner from the post of Incharge of the PHC/Community Health Centre in question and make second Doctor as Incharge in place of the petitioner. He submits that this order was communicated to the higher level i.e. Joint Secretary and Additional Chief Secretary, Health Services, Bihar for needful/approval. But, he submits that till date, no approval has come and in the meantime, the petitioner has moved before this Hon'ble Court by filing this writ petition.

5. After hearing the parties and upon going through the records, it transpires to this Court that there is a report of Three Member Committee against the petitioner on the one hand, but also, on the other hand, no decision has been taken at the level of Additional Chief Secretary, Health Services, Bihar.

6. In this view of the matter, the petitioner is hereby directed to file his representation along with a copy of this order before the Additional Chief Secretary, Health Services, Bihar, Patna raising all the points before him, within 30 days from today and the Additional Chief Secretary, Health Services,



Bihar, Patna shall take decision on the representation filed by the petitioner within 90 days thereafter.

7. It is made clear that this Court has not expressed any opinion either in the favour or against the petitioner. The Additional Chief Secretary, Health Services, Bihar, Patna is free to take independent decision in accordance with law considering all the documents which shall be produce before him by the petitioner as well as the documents which he shall receive upon query from the concerned Regional Deputy Director. The decision shall be taken within 90 days from the date of receiving the petitioner’s representation.

8. Accordingly, with the aforesaid observation & direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	21/04/2026
Transmission Date	NA

