

(2026) 01 PAT CK 1770

In the Patna High Court

Case No : Letters Patent Appeal No.565 Of 2025

State of Bihar

APPELLANT

Vs

Shyam Sundar Singh

RESPONDENT

Date of Decision : 12-01-2026

Acts Referred:

Citation : (2026) 01 PAT CK 1770

Hon'ble Judges : Sangam Kumar Sahoo, CJ;Sudhir Singh, J

Bench : Division Bench

Advocate : P.K. Shahi, Raisul Haque, Shilpi Keshri

Final Decision : Allowed

Judgement

Sangam Kumar Sahoo, CJ

1. This Letters Patent Appeal has been filed by the State of Bihar against the interim order dated 27.03.2025 passed in CWJC No. 4616 of 2025. The writ petition was filed by Dr. Shyam Sunder Singh, the Respondent No. 1 in this LPA for the following reliefs:-

"A. For issuance of writ in the nature of certiorari for quashing the letter no. 1042 dated 20.09.2024 issued by the Officer on Special Duty(OSD), Health Department, Bihar, Patna whereby and where under the petitioner was removed from the post of Nodal Officer. And/or

B. For issuance of writ in the nature of mandamus for direction to the respondent authorities to reinstate the petitioner on the post of the Nodal Officer as the petitioner was removed from the post without any Departmental Enquiry which is against the principle of natural justice. And/or

C. For issuance of writ in the nature of mandamus for direction to the respondent authorities to not consider the representation filed by Association of Management of Homeopathic Medical College of Bihar in the light of letter no. 945 dated 24-06-2005 whereby and where under as per clause 4(1), any anonymous,

pseudonymous applications/ complaints will not be processed and the said Association of Management of Homeopathic Medical College of Bihar is not a registered institution in the State of Bihar.

D. For issuance of the writ in the nature of mandamus to issue direction to the respondent authorities to consider the reply to the show cause filed by the petitioner vide letter dated 23-09-2024 and to quash the show cause vide letter no. 1032 dated 19- 9-2024.

E. To grant any other relief or reliefs to which the petitioners are entitled in the facts and circumstances of the case.”

2. On 27.03.2025, the following order was passed in CWJC No. 4616 of 2025:-

“10. Upon call on 12:30 PM, it has been intimated by Counsel for the State that the Special Secretary / Special Executive Officer (Renu Kumari) is on leave today, and therefore, unable to attend the Court, but in the place of the said officer, Deputy Director, AYUSH, Health Department, Government of Bihar, namely, Mr. Anjum Akhtar along with his assistant has appeared, in person.

11. Mr. Anjum Akhtar, Deputy Director, through advocate, submits that he is aware that the petitioner was appointed as Nodal Officer vide order dated 27.06.2024 issued by the Special Executive Officer / Special Secretary (Renu Kumari), Department of Health. He fairly intimated to this Court through his advocate that he is unable to assist on this point that even after receiving the complaint dated 18.07.2024 by the Federation of Medical College, to whom the said respondent No. 4, Special Executive Officer (Renu Kumari) and other official demanded 15 days time to ascertain about the said complaint on oath and also demanded evidences but prior to that without any material, removed the petitioner from the said post on 20.09.2024.

12. It transpires to this Court that such action which was taken place by the Special Executive Officer, is in gross violation of natural justice. It also transpires from the pleadings that the petitioner, who was holding the post of Class- I officer and the said Special Executive Officer/Special Secretary who issued the order is definitely not the appointing authority for him. It also transpires to this Court that the matter in which investigation is pending, particularly relating to admission in the homeopathy medical colleges is a sensitive issue and the petitioner who issued letter, demanding documents from the medical colleges in accordance with National Commission of Homeopathy Act, 2020. Demanding documents from the medical colleges by the Nodal officer in the light of press release for public at large issued by the Authority is a correct and legal steps to stop the illegal admission in homeopathy colleges. But instead of providing those documents to the Nodal Officer, the colleges from whom those documents were demanded by the the said Nodal Officer, filed complaint and the said Executive Officer has taken action under the influence of the Federation of Medical Colleges without verifying the same in spite of the fact that verification was demanded by the said Officer from the colleges on the same day in which 15 days time was

granted by letter dated 19.09.2024, and taken action for removal on 20.09.2024 is really unfortunate and in gross violation of natural justice.

13. This Court shall not permit to continue such illegality at the hand of the Special Executive Officer and feels that intense enquiry is required in this matter. This Court finds that injustice took place with the petitioner which shall be resulted into affect the career of the students who have successfully competed in the NEET examination in the future. Hence, this Court feels it necessary to interfere in the said order issued by the Special Executive Officer. Therefore, the said letter issued by the Special Executive Officer, dated 20.09.2024 is hereby stayed, till further order.

14. The Additional Chief Secretary, Department of Health, Government of Bihar, is hereby directed to look into this matter seriously and submit a report to this Court within 60 days.

15. It is made clear that the said report shall be submitted after conducting an enquiry from an officer not below the rank of Secretary other than the Health Department.

16. The Additional Chief Secretary, Health Department, is hereby directed to restrain the Special Executive Officer / Special Secretary (Renu Kumari), who has issued the letter No. 1042 dated 20.09.2024 from doing any work of AYUSH Directorate till submission of Enquiry report with a view to conduct the independent enquiry in this matter.

17. Counsel for the State is hereby directed to file counter-affidavit within 70 days.

18. List this case on 16.06.2025.”

3. Shri P.K. Shahi, learned Advocate General appearing for the State submits that the order passed by the learned Single Judge is not sustainable in the eyes of law on the ground that no opportunity has been given to the State-respondents to controvert the averments made in the writ petition and in fact, no counter affidavit has been filed and the order has been passed on the first day of the hearing. It is further submitted that the learned Single Judge has exceeded the jurisdiction on irrelevant materials and issued direction to the appellants. The finding arrived at by the learned Single Judge that the Officer on Special Duty (OSD) has taken action under the influence of Federation of Medical College is not correct inasmuch as it has been taken after the approval of the competent authority in administrative experience. Some other grounds have been taken. The main ground is on the point of violation of principles of natural justice.

3.1. The learned counsel appearing for the Respondent No. 1 also fairly submits that the State has not been provided with opportunity to file the counter affidavit and, therefore, he has no objection if the impugned order is set aside and the matter is remitted back to the learned Single Judge as per the roster to deal with the matter on merits.

4. Considering the submissions made by the learned counsel for the respective parties, the admitted fact that the principles of natural justice has been flouted and the State has not been given opportunity to file counter affidavit/response and the fact that there was no proper material before the learned Single Judge to take action against the Respondent No. 5 in the writ petition, as was directed, we are of the view that the impugned order is not sustainable in the eyes of law. Accordingly, the impugned order is hereby set aside.

5. CWJC No. 4616 of 2025 shall be listed before the learned Single Judge as per the roster, to be decided in accordance with law after giving due opportunity to all the parties.

6. The Letters Patent Appeal stands allowed.

7. Interlocutory Application(s), if any, shall stand disposed of.

8. Let this case be listed before the learned Single Judge as per the roster under the appropriate heading.