

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2595 of 2015

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1. Pooja Singh D/o Pramod Kumar Resident of Village - Friday Bazar Q No-161, O.S- Gandhi Nagar, District - Bokaro.
 2. Rashmi Sinha D/o Nagendra Prasad Resident of Village / Mohalla Patna Ciy P.S- Khajekalla, District - Patna.
 3. Seema Suman Kumari D/o Raj Nandan Pd. Singh C/o Niranjana Kumar Singh Resident of Village - Jaytipur, P.S- Naubatpur, District - Patna.
 4. Ragni Kuamri D/o Surendra Pandey , Wife of Diwakar kumar Sharma Resident at Village - Panchwati Nagar Bazar Samiti, P.S- Bahadurpur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary-cum-Commissioner Health Department, Government of Bihar, Patna.
3. The Director (Health) Government of Bihar, Patna.
4. The Deputy Director (Health) Patna Division District Patna.
5. The District Health Officer, Patna.
6. District Magistrate Patna (D.M)
7. Civil Surgeon, cum Member Secretary District Health Committee, Patna.
8. Incharge Medical Officer sub Divisional Hospital Danapur, Patna.
9. Incharge Medical Officer, Sub Divisional Hospital Masurhi, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Respondent/s : Mr. GP31- SMT. BINITA SINGH

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 07-04-2015

A K Tripathi, J.

In view of the final position emerging from Annexure-D, which is an enquiry conducted by a Committee, which went into controversial circumstances under which these petitioners came to be appointed on contractual basis as ANMs by the Civil Surgeon, Patna on 30th December, 2013, it is evident from the reading of the said report, which is annexed with the supplementary counter affidavit, that the Civil Surgeon, Patna, in violation of all procedure as well as status of the post sanctioned, has appointed these petitioners obviously for

extraneous consideration and reasons, which is not very difficult to understand.

2. In view of the same, coupled with the fact that petitioners were appointed on contract basis, their termination is not required to be interfered with. The Principal Secretary, Health, however, is directed to initiate a departmental proceeding against the concerned Civil Surgeon, posted at Patna, within a period of four weeks from the date of production of a copy of this order in the light of Annexure-D dated 10.12.2014 since the same does find the Civil Surgeon misusing his position. The Court also wants a report from the Principal Secretary as to the outcome of the departmental enquiry, which should be concluded within a reasonable time-frame of five months.

3. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

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