

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2122 of 2014

Dr. Krishna Mohan Singh S/O Late Satya Narain Singh Resident Of Mohalla -
S.D.O. Road, P.O. - Hajipur, P.S. - Hajipur Town, District - Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Executive Director, State Health Committee, Family Welfare Department, Shekhpura, Patna
3. The Civil Surgeon-Cum-Member Secretary, District Health Committee, Vaishali At Hajipur
4. The Incharge Health Officer, Primary Health Centre, Sahdei Bujurg, Vaishali

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha
For the Respondent/s : Mr. Rakesh Kr Samrendra

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 16-09-2015

16.09.2015

The Court has heard learned counsel for the petitioner and the State, both on the restoration application as well as the writ application.

The restoration application is allowed for the reasons indicated in paragraph 4 thereof. Accordingly, C.W.J.C. No. 2122 of 2014 is restored to its original file.

Prayer in the writ application of the petitioner is that a mandamus should be issued upon the respondents to continue his engagement as a Medical Officer on contract basis in the Primary Health Centre in the district of Vaishali on the ground that his service has been satisfactory and there are no allegations against

him.

The engagement of the petitioner was strictly in terms of the agreement reached between the parties. No doubt, the service has been extended from time to time, but the nature of such engagement does not change. If the authorities have come to an opinion that the petitioner's service is no longer required and so refused to extend the contract, the Court under Article 226 of the Constitution of India cannot direct the State authorities to subsist with a contract, even though they do not want to for some of the reasons indicated in the counter affidavit.

If the non-extension amounts to breach of the terms of the contract, petitioner will have common law remedy and not extraordinary remedy.

Writ application, therefore, stands dismissed.

(Ajay Kumar Tripathi, J.)

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