

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1041 of 2012

IN

Civil Writ Jurisdiction Case No 837 of 2009

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Shyamapati Devi W/O Sri Ayodhya Pandey R/O Village- Pabheree, P.S.-Dhanarua,
District- Patna

.... Appellant/s

Versus

1. The State Of Bihar
2. The District Magistrate, Patna
3. The Civil Surgeon cum Chief Medical Officer, Patna
4. The Medical Officer cum Parivar Kalyan Niyojan Kendra, Dhanarua, District-
Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Satish Kumar Sinha, Advocate

For the S t a t e : Mr Mayank Pukhaiyar, AC to GA 1

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE MR JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 01-05-2015

Heard learned counsel for the appellant who was the writ petitioner and learned counsel for the State.

2 The writ petitioner had filed the writ petition admitting that she was a voluntary Health Worker appointed in the year, 1974 on a monthly honorarium of Rs 50/-. In the year 2002, it was increased to Rs 100/- and, thereafter, she was not paid any amount. She had filed the writ petition claiming payment aforesaid. From the writ petition from Annexure 2, it is clear that she admitted

that she had been discontinued from service long back. The writ petition was dismissed. Hence, this appeal.

3 State has filed a counter affidavit at last annexing copies of payment register showing that upto 2006, payment was made whereafter her services as a voluntary Health Worker on honorarium was discontinued. Learned counsel for the petitioner-appellant submits that in fact her writ petition was for claiming minimum wages and continuity of employment. We have considered that aspect of the matter as well. Petitioner-appellant was brought in as a voluntary Health Worker on an honorarium of Rs 50/-. By no stretch of imagination, she can lay any claim with regard to minimum wages which is payable to a full time worker on a sanctioned vacant post nor can she claim continuity of service because the writ petitioner-appellant was a voluntary Health Worker which is not a service cadre or a permanent sanctioned post.

4 In that view of the matter, we find no merit in this appeal. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J)

(Rajendra Kumar Mishra, J)

M.E.H./-

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