

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2433 of 2015

1. Anshuya Kumari D/o Shri Shatrughan Singh, W/o Shri Pushpendra Kumar Singh at present resident of Village + P.O. Bhirgu Balia, Police Station Maharajganj, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Director-in-Chief, Health Services, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The District Magistrate-cum-Chairman, District Health Society, Siwan.
5. The Civil Surgeon-cum-Chief Medical Officer, Siwan.
6. The Civil Surgeon-cum-Member Secretary, District Health Society, Siwan.
7. The District Programme Manager, District Health Society, Siwan.
8. The Incharge Medical Officer, Primary Health Centre Ander, District Siwan.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. SC32- R.K. PRIYADARSHI

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 31-03-2015

Heard learned counsel for the parties.

Petitioner is one of the A.N.M.s, whose contract has been terminated by a decision taken by the respondent-authorities of the district of Siwan on the ground that after verification of their enrolment certificate with Nurses Registration Council, it was certified to be fake.

If this is the position, which emerges from the impugned order, contained in Annexure-4, which has not been rebutted or denied and if that is the position, which

has been indicated with regard to the correctness or genuineness of such A.N.M. certificate and the enrolment by the statutory authority, then the least, which was required to be done, was to annul the contract, because any benefit obtained on the basis of fraud and deceit cannot be sustained or allowed to be sustained by any individual, much less the petitioner.

A detailed counter affidavit has been filed on behalf of the respondents. They have brought material and evidences to show and support the reason for passing of the impugned order. A reading of the same would indicate that large number of persons had resorted to such kind of fraud and deceit for obtaining engagement on contract as A.N.M. and all such persons were ordered to be removed and rightly removed.

Writ application is, therefore, required to be dismissed and is dismissed on this score.

(Ajay Kumar Tripathi, J.)

SKM/-

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