

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5436 of 2015

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1. Saiyad Imam Ansari, son of Mohammad Sharfuddin , Resident of village-
Haldi Khora, P.S.- Kochadhaman, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Health, Bihar, Patna.
3. The Director-in-Chief, Health Services, Government of Bihar, Patna.
4. The Civil Surgeon-cum-Chief Medical Officer, Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Respondent/s : Mr. Amar Nath Deo

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI
ORAL ORDER

4 01-07-2015 Annexure-4 is the order dated 15.11.2014 by

virtue of which the petitioner who was working as a Class IV
employee in Primary Health Centre, Belwa, Kishanganj, has been
terminated.

The petitioner wants quashing of the said order
primarily on a very pointed submission that L.P.A. No. 200 of
2010 and other analogous cases, copy of which is annexed as
annexure-5, categorically held that the Division Bench had not
taken up issue relating to matters which were already decided by
Justice Uday Sinha Committee.

The case of the petitioner was considered by
Justice Uday Sinha Committee. The decision of the Committee is

annexure-2 dated 24.06.2010. The finding of Justice Uday Sinha is that appointment of the petitioner fell in the category of irregular appointment and not illegal appointment.

If that be so, the rationale and reasoning given for dismissing the petitioner in terms of annexure-4 is based on wrong appreciation of facts as well as judgment of the Division Bench.

In view of the same, annexure-4 is quashed. This writ application is allowed. It is left open to the State to take a decision in accordance with law.

(Ajay Kumar Tripathi, J)

Amin/-

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