

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.15 of 2015
IN
Civil Writ Jurisdiction Case No. 21766 of 2012**

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1. Om Prakash Pandey S/o Laxman Pandey resident of village - Dihra, P.S. Obera, District - Aurangabad

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Health Department, Government of Bihar, Patna
3. The Enquiry Committee through its Chairman - Cum - Director - in - Chief, Health Services, Bihar, Patna
4. The Chairman, Justice Uday Sinha, One Man Enquiry Committee, 42, Harding Road, Patna
5. The Director - in - Chief, Health Services, Government of Bihar, Patna
6. The District Magistrate, Aurangabad
7. The Civil Surgeon - cum - Chief Medical Officer, Aurangabad
8. The In - Charge Medical Officer, Primary Health Centre, Bhabhua, District – Aurangabad.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Ranjan Kumar, Advocate.
Mr. Harendra Kumar Singh, Advocate.

For the Respondent/s : Mr. S. Raza Ahmad, AAG-9

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 27-01-2015

The appellant, in the present appeal, under Clause 10 of the Letters Patent of this High Court, is aggrieved by the order, dated 19.12.2013, passed by learned single Judge in CWJC No. 21766 of 2012 (Om Prakash Pandey v. The State of Bihar and others), whereby the petitioner's application, under Article 226 of the Constitution of India, came to be dismissed.

2. The appellant, who was the writ petitioner, had sought for setting aside an order, dated 06.12.2011, passed by

one man enquiry committee headed by Hon'ble Mr. Justice Uday Sinha, whereunder the petitioner's claim to allow him to continue as Male Ward Attendant, in Primary Health Centre, Barun, District- Aurangabad, was rejected.

3. Upon a query having been made by the Court, learned counsel, appearing on behalf of the appellant, has accepted that there was no advertisement prior to petitioner's initial appointment as voluntary worker, at the concerned Primary Health Centre, by the Additional Chief Medical Officer. He does not dispute the fact that no procedure was followed for selection in tune with the requirements of Articles 14 and 16 of the Constitution of India. He has not been able to answer as to whether Additional Chief Medical Officer had the jurisdiction to make such appointment. There is nothing on record to show that the post, against which the petitioner was appointed, stood.

4. In such view of the matter, we do not find any reason to interfere with the order under appeal. This appeal is accordingly dismissed.

(I. A. Ansari, J.)

(Chakradhari Sharan Singh, J.)

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