

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.426 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 9507 of 2013

Along with

Interlocutory Application No. 2006 of 2015

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Satyendra Kumar Tiwari Son of Late B.N. Tiwari Resident of Village - Darweshpur
P.S. - Maner, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar through the Secretary Department of Health and Family Welfare, Government of Bihar.
2. The Joint Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Health and Family Welfare, Government of Bihar, Patna
4. Executive Director, Bihar State Health Society, Patna.
5. District Magistrate, Patna.
6. The Civil Surgeon cum Chief Medical Officer, Patna.
7. Administrative Officer, Bihar State Health Society, Patna.
8. The Incharge Medical Officer, Primary Health Centre Daniyawan , Patna.

.... Respondent/s

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Appearance :

For the Appellant : Mr. Kumar Ranjit Ranjan, Advocate

For the State : Mr. Ajay, G.A.- 12

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 12-05-2016

Re.: Interlocutory Application No. 2006 of 2015

The application is for condonation of delay of 30 days in filing of the appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, the delay of 30 days in filing of the appeal is condoned.

Interlocutory Application stands disposed off.

Re.: Letters Patent Appeal No. 426 of 2015

The order dated 11.09.2014 passed by the learned Single Bench in C.W.J.C. No. 9507 of 2013 is the subject matter of challenge in the present Letters Patent Appeal. By the aforesaid order, the learned Single Bench did not find any infirmity in the action of the respondents in not renewing the contract for employment of the appellant.

The appellant was appointed on contract against the post of Block Health Manager for a period of two years vide letter of appointment dated 26.03.2007. The services of the appellant were earlier extended from time to time but it was decided not to renew the service which was going to expire on 27.03.2012.

The learned Single Judge found that the appellant cannot invoke the writ jurisdiction of this Court by claiming extension in service. The appellant was appointed initially on a contract basis for two years. He has worked thereafter but in the

status of a contract worker only. An employee engaged on contract basis cannot claim any benefit of regular employment only for the reason that at one stage the respondents have appointed the appellant on contract basis.

We do not find any error in the order passed by the learned Single Bench, which may warrant interference in the present Letters Patent Appeal. It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Anjani

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