

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7600 of 2014

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1. Anant Kumar Son of Suresh Prasad Resident of Kamanpur, P.O. Barara, P.S. Noorsarai, District - Nalanda, presently working as Data Entry Operator, District Tuberculosis Centre, Chhapra at Saran.
 2. Amarendra Kumar Son of Ramji Prasad Sharan Resident of Village Dumri Bazar, P.S. Yogapatti, District - West Champaran , presently working as Data Entry Operator, District Tuberculosis Centre, East Champaran, Motihari.
 3. Anmol Chand Khan Son of Late Hare Krishna Khan Resident of Village - Parari, Via Banganwa, District - Saharsa, presently working as Data entry Operator, District Tuberculosis Centre, Katihar.
 4. Ravi Shankar Son of Uday Shankar Prasad Resident of Mohalla - Arya Path, Jehanabad, presently working as Data Entry Operator, District Tuberculosis Centre, Jehanabad.
 5. Kavita chandra C/o Dr. Sujeet Manohar, Manohar Farma, Murli Babu Chowk , Rafiganj, Aurangabad, presently working as Data Enry Operator, District Tuberculosis Centre, Aurangabad.
 6. Ashutosh Kumar Son of Dr. Raj Kishore Singh Resident of Road No. 17, Rajiv Nagar, Patna presently working as Data Entry Operator, District Tuberculosis Centre, Bhagalpur.
 7. Sanjay Kumar Sinha Son of Late Krishna Kumar Sinha Resident of Mohalla Power House Road, P.O. AND District - Begusarai, presently working as Data Entry Operator, District Tuberculosis Centre, Begusarai.
 8. Ajay Kumar C/o Sri Rajeshwar Resident of North Mandiri, New Bank Colony, Near D.H. School, Patna, presently working as Data Entry Operator, District Tuberculosis Centre, Sheikhpura.
 9. Gautam Kumar Laal Das Son of Late Sachidanand Lal Das Village - Haripatti, P.O. AND District - Lakhisarai, presently working as Data Entry Operator, District Tuberculosis Centre, Darbhanga.
 10. Anuj Kumar Son of Arbind Kumar Mandal Purani Thakurbari Road, Ward No. 11, P.S. + District - Banka, presently working as Data Entry Operator, District Tuberculosis Centre, Banka.
 11. Manish Kumar Sharama Son Uday Chand Sharma Resident of Village Ball, P.O. Chainwa, P.S. Rasulpur, District Chhapra at Saran, presently working as Data Entry Operator, District Tuberculosis Centre, Siwan.
 12. Kanak Lata C/o Smt. Kumod Sharma, Resident of Koshi Colony, Tambaku Factory, Purnia, presently working as Data Entry Operator, District Tuberculosis Centre, Kishanganj.
 13. Santosh Kumar Son of Late Hira Lal Prasad Resident of Village + P.O. - Bhabhua, District - Kaimur, presently working as Data Entry Operator, District Tuberculosis Centre, Kaimur.
 14. Shankar Kumar Sharma Son of Rajendra Sharma Resident of Village Beldhana, Post Noorsarai, P.S. Chandi, District Nalanda, presently working as Data Entry Operator, District Tuberculosis Centre, Khagaria.
 15. Pradeep Kumar Son of Late Lala Sudist Narayan Srivastava Resident of Mohalla Laxmipur, Ward No. 17, Madhepura, presently working as Data Entry Operator, District Tuberculosis Centre, Madhepura.
 16. Anil Kumar Son of Rajendra Prasad Resident of Village + Post Balantar, Via Bidupur, District - Vaishali, presently working as Data Entry Operator, District Tuberculosis Centre, Madhubani.

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17. Harendra Kumar Mishra Son of Arjun Mishra Resident of Village + P.O. Khaira, District - Jamui, presently working as Data Entry Operator, District Tuberculosis Centre, Jamui.
 18. Krishna Bali Kumar Son of Sri Kashi Lal Resident of Village Kolhuara, P.O. Navranga, P.S. Kalyanpur, District - Samastipur, presently working as Data Entry Operator, District Tuberculosis Centre, Samastipur.
 19. Amit Kumar Son of Late Kanhaiya Lal Shah Resident of Taranaga, Madhubani, District - Purnea, presently working as Data Entry Operator, District Tuberculosis Centre, Purnea.
 20. Kunarl Shrivastava Son of Ram Narayan Prasad Resident of Kali Bazar, Ward No. 23, P.S. Araria, Presently working as Data Entry Operator, District Tuberculosis Centre, Araria.
 21. Shekhar Kumar Shrivastava Resident of Mohalla Gopalganj, Near Geeta Ashram, Sasaram, District Rohtas, presently working as Data entry Operator, District Tuberculosis Centre, Rohtas at Sasaram.
 22. Santosh Kumar Son of Late Ram Prasad Mahto Resident of Village + P.O. Karkayan, P.S. Ghoswari Via Sarmera, District Patna, presently working as Data Entry Operator, District Tuberculosis Centre, Nalanda.
 23. Sunil Kumar Son of Shiv Shankar Prasad Resident of C/o Dayanand Prasad, New Yogipur, Gaytri Niwas, West of Buddha Dental College Hospital , Kankarbagh, Patna, presently working as Data Entry Operator, District Tuberculosis centre, Patna.
 24. Manoj Kumar Son of Shri Sarobar Ray Resident of Village Herudiyara Kali Sthan, P.O. Herudiyara, District Munger, presently working as Data Entry Operator, District Tuberculosis Centre, Munger.
 25. Ranjan Sharma Son of Late Mahavir Sharan Resident of Village - Pamara, P.O. Raghapur Bakhari, Block Dumra , Sitamarhi, presently working as Data Entry Operator, District Tuberculosis Centre, Sitamarhi.
 26. Deepak Kumar C/o Late Parmanand Prasad, Resident of R.M.S. Colony, Main Road, Kankarbagh, Patna, presently working as Data Entry Operator, District Tuberculosis Centre, Ara at Bhojpur.
 27. Indra Mohan Diwakar Son of Haridwar Prasad Roy Resident of Ward No. 15, Nagar Panchayat, Sheohar, Presently working as Data Entry Operator, District Tuberculosis Centre, Sheohar.
 28. Rasan Kumar Mishra Son of Late Satyanarayan Mishra Resident of Village Darhar (Mishratola), P.O. Laheriasarai, P.S. Bahadurpur, District Darbhanga presently working as Data Entry Operator , District Tuberculosis Centre, Muzaffarpur.
 29. Surya Narayan Sah Son of Shri Ram Chandra Sah Resident of Village Baswariya, P.O. AND P.S. Saharghat, District Madhubani, presently working as Data Entry Operator, District Tuberculosis Centre, Bettiah at West Champaran.
 30. Pankaj Kumar Son of Navin Vishwakarma Resident of Village - Magroher, Post Abgilla Chaurasa, District Jamui, presenty working as Data Entry Operator , District Tuberculosis Centre, Lakhisarai.
 31. Shiv Balak Baitha Son of Late Parsan Baitha Resident Village AND P.O. Manikpur, District - Gopalganj, presently working as Data Entry Operator, District Tuberculosis Centre, Gopalganj.
 32. Alok Kumar Son of Thakur Pandey Resident of Village + P.O. Dhokraha, P.S. Majhowila, District West Champaran, presently working as Data Entry Operator, Officer of Deputy Director , Health Services-Cum-State Programme Officer (TB), Bihar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna Secretariat, Patna
2. The Principal Secretary, Health Department, Govt. of Bihar, New Secretariat, Patna.
3. The Secretary, Health Department, Govt. of Bihar, New Secretariat, Patna.
4. Director-in-Chief, Health Services, Health Department, Govt. of Bihar, New Secretariat, Patna.
5. Deputy Director, Health Services-Cum-State Programme (TB) , Bihar, Patna.
6. The Executive Director, State Health Society, Bihar, Patna.
7. The Staff Selection Commission through its Chairman, Veterinary College, Patna.
8. The Secretary, Staff Selection Commission, Veterinary College, Patna.
9. The Chief Medical Officer-Cum-Member Secretary, District Health Society of all the Districts of State of Bihar.
10. The District Tuberculosis Officer of all the Districts of State of Bihar.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Respondent/s : Mr. Subhash Pd. Singh

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI
ORAL ORDER**

4 19-08-2016 Heard counsel for the petitioners, counsel for the respondents.

The writ petitioners who are Data Entry Operators and appointed under the scheme of Central Govt. now want a direction upon the respondents State authorities to regularize their services because they have been working for more than ten years on contract.

From a reading of the appointment letters and the conditions laid down therein, it is evident that these hiring have

been done with specific objects and purpose and it is a contract for service and not a permanent engagement either by the State Health Society or the State of Bihar. These two agencies in fact are helping the Central Government in implementing schemes relating to Tuberculosis.

Since, it is a contract for service and not of service therefore there cannot be any direction for regularization of these petitioners extending the principle which are generally applicable to daily wagers which are governed by a set of rules and norms.

So far as the present petitioners are concerned, they will be governed by their terms of contract for their engagement and the Court can not and shall not alter the essence of the contract by giving any direction for regularization.

The writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

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