

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5332 of 2013

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Rima Kumari W/o Ajay Sonkar R/o Village- Kharkhura Bhaluai, (Durga Asthan), P.S.- Delha, District- Gaya. Petitioner/s

Versus

1. The State of Bihar through the Director in Chief Health Services, Bihar, Patna, New Secretariat, Patna-1
2. The Civil Surgeon-cum-Chief Medical Officer, Gaya, District- Gaya
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravidnra Kumar Sinha

For the Respondent/s : Mr. Madhuresh Prasad, GP-12

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 29-03-2016

Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking relief that she should be allowed to function as Lab Technician in terms of the Office Order no. 2088 (4) dated 31.12.2009.

It appears that the petitioner applied for the said post along with others. She was declared successful, her name was standing at serial no. 74, was allotted to the Office of Civil Surgeon, Gaya with the stipulation that she would join the assigned place within 15 days. In failure, it will be treated to have automatically been withdrawn. Letter itself discloses that it was a contractual employment of one year or till any regular appointment is made, whichever is earlier. Admittedly the petitioner had gone for joining, joined the said post on 12.02.2011 i.e. much after the period of contract was over as because the

period of contract was for the period of twelve months, starting from 13.12.2009, came to an end on 13.12.2010 and any joining thereafter is of no value.

The counsel for the petitioner has compared herself to Shweta Sah, placed reliance on the judgment passed in CWJC No. 19692 of 2012 (Shweta Sah versus the State of Bihar and Ors.), which is not applicable to the present case, as the appointment was in a different transaction, there claim was made that she discharged the duty, but was not paid any honorarium, no counter affidavit was filed, this Court directed the respondent direction to examine her case and take necessary decision in the matter.

Here in the present case the facts are quite different, as she had given joining after the period of contract, rightly, she was not allowed to join. After the contract period all rights which accrued to her, would be treated to have been withdrawn.

In such view of the matter, this Court does not find any merit in the present case. Accordingly, the same is dismissed.

(Shivaji Pandey, J)

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