

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1718 of 2012
IN
Civil Writ Jurisdiction Case No. 3408 of 2012**

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Smt. Dropadi Devi, wife of Sri Ramdeo Prasad, resident of Village - Srirampur,
P.O. + P.S. Badhouna, District Nawadah.

.... Appellant

Versus

1. The State of Bihar
2. The Commissioner, Department of Health, Bihar, Patna.
3. The Director-In-Chief, Health Service, Bihar, Patna.
4. The Deputy Secretary, Department of Health & Family Welfare, Government of Bihar, Patna
5. The Deputy Director (Training) Health Service, Bihar, Patna.
6. The Civil Surgeon cum Chief Medical Officer, Aurangabad.
7. The Medical-in-Charge, Primary Health Centre, Madanpur, Aurangabad.

.... Respondents

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Appearance :

For the Appellant : Mr. Vinjay Ranjan, Advocate

For the Respondents : Mr. Jai Prabhat Kishore, A.C. to G.P.-13

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 26-02-2016

The appellant has claimed a writ of mandamus for a direction to reinstate her against the post of Auxilliary Nursing Midwifery (hereinafter referred to as 'A.N.M.') in view of earlier order passed in CWJC No.6575 of 2009 as well as in L.P.A. No.230 of 2011.

2. As per the appellant, she was appointed as A.N.M. vide letter dated 13th January, 1993. It was in the year 1999, a show cause notice was issued to the appellant to produce all documents with regard to her service. The grievance of the appellant is that

without giving any show cause, her services have been terminated along with 38 employees. In the year 2002, the appellant challenged the termination of her service which was allowed by this Court on 08th of September, 2003.

3. In an appeal against the said order, a Committee was ordered to be constituted to verify the candidature of the employees, including the present appellant. Such five-member Committee gave its report against the appellant as also against large number of other employees.

4. The appellant relies upon a judgment of a Division Bench of this Court passed in L.P.A. No.230 of 2011 and other connected appeals (*The State of Bihar & Ors. Vs. Binay Kumar Singh & Ors*) (Annexure-7 to the writ petition) decided on 29.03.2011, wherein the report of the Committee was rejected and the candidates, who were writ petitioners before the Court, were directed to be reinstated. It is admitted that Special Leave Petition against the said order is pending before the Hon'ble Supreme Court.

5. In another round of litigation, the correctness of the judgment passed in *Binay Kumar Singh* (Supra) was doubted and the matter was referred to Full Bench. The law laid down by the Division Bench of this Court in *Binay Kumar Singh* (Supra) was found to be no longer a good law by the Full Bench of this Court in a

judgment reported as *Ram Sewak Yadav Vs. The State of Bihar & Ors. 2013 (1) PLJR 964*. It is thereafter, Letters Patent Appeals, lead case being L.P.A. No.200 of 2010 (*State of Bihar & Ors. Vs. Madhu Kumari*) were allowed on 24th September, 2014 and the report of the Committee was accepted.

6. In view of the decision of the Full Bench in *Ram Sewak Yadav* (supra) followed by the Division Bench of this Court in *Madhu Kumari* (supra), we do not find any merit in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

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