

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3454 of 2013

In

Civil Writ Jurisdiction Case No. 13517 of 2011

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Kamlesh Kumar Verma, son of Late Avinash Chandra Verma, resident of
Late No. 2, Rajendra Puri, P.S. Kazimohammadpur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Sri Vyasji, the Principal Secretary to Government, Department of Health and Family Welfare, Bihar, Patna.
2. Sri Sanjay Kumar, Executive Director, State Health Society, Pariwar Kalyan Bhawan, Sheikhpura, Bihar, Patna.
3. Sri Jai Singh, District Magistrate-cum-Chairperson, District Health Society, Kaimur.
4. Dr. Ras Bihar Singh, Civil Surgeon-cum-Member Secretary, District Health Soceity, Kaimur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr.

For the Opp. Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

7 27-04-2016 Heard learned counsel for the petitioner as well as

learned counsel appearing for the Bihar State Health Society.

The petitioner was appointed, on 14.08.2006, as District Accounts Officer on contractual basis in 2006 on recommendation of Selection Committee in the light of advertisement, dated 17.12.2005. The appointment letter was issued by District Health Society, Kaimur. The contract of the petitioner was extended from time to time considering his service record. The last time it was renewed upto 28.02.2012, which was wrongly typed as 28.02.2002 in the first of page order, dated 21.03.2013, passed in C.W.J.C.

No. 13517 of 2011. Before even expiry of the term, the service of the petitioner was terminated vide order, dated 20.04.2011, w.e.f. 24.03.2011.

Being aggrieved, the petitioner has challenged the aforesaid order. He submits that the impugned order terminating his service was passed without providing an opportunity of hearing. Providing of opportunity was also necessary as the order terminating his service was stigmatic in nature.

In support of his submission, the petitioner has placed reliance in case of **Suresh Kumar @ Suresh Singh Vrs. Union of India and others, reported in 2007(1) PLJR 289**; and in case of **Pravin Kumar Vrs. the State of Bihar and others, reported in 2012(2) PLJR 62**.

The writ application was disposed of remitting the matter to the respondent no. 2 to dispose of the representation of the petitioner, already filed, within two months.

A show-cause has been filed by the Bihar Health Society stating that the representation of the petitioner has been disposed of vide Annexure-B to the show-cause.

Learned counsel for the petitioner submits that the representation has been rejected in view of Audit Report, dated 15.07.2011, which is of the period 20.06.2011 to 30.06.2011,

whereas, the petitioner was already removed on 20.04.2011. The petitioner has assailed the order rejecting representation on some other grounds also.

In the contempt application, this Court would not be concerned with the merit of the order as the direction was to dispose of the representation, which has been done.

In view of the aforesaid facts and circumstances, the petitioner, if aggrieved, may challenge the order rejecting his representation, on the ground which may be available to him under the law. The contempt proceeding is closed and the contempt application is accordingly disposed of.

(Samarendra Pratap Singh, J)

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