

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.9900 of 2016**

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1. Vijay Lakshmi W/o late Jitendra Kumar Srivastava R/o Mohalla- Sister quarter,  
DMCH Campus, P.S- Laherisarai, District Darbhanga.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director, Health Department, Government of Bihar, Patna.
4. The Superintendent, DMCH, Laherisarai, Darbhanga.
5. The District Magistrate-Cum Collector, Darbhanga.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Ms Alka Verma

For the Respondent/s : Mr. GP 2, Prashant Pratap

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

**ORAL JUDGMENT**

**Date: 08-12-2016**

The Superintendent of Darbhanga Medical College and Hospital has appeared as directed earlier. He fairly informs the Court that there is nothing against the petitioner on record but many a things are whispered against her, which cannot be corroborated from the office records.

From the decision taken by the District Selection Committee, it seems that a Karmachari Sangh has given objection against the reengagement on contract of the petitioner because there are said to be serious allegations and complaints pending even in the Department.

If the authorities are not in a position to lay their hands on those allegations and the so-called serious charges, which are



pending then a demand could have been made upon the office bearers of the Karmachari Sangh to provide those materials.

Mere hearsay may not be ground enough for an authority to take a decision contrary to the interest of a citizen especially if it has consequences. In view of the same, the Court would like to quash the order contained in Annexure-6 insofar as it relates to the petitioner and directs the authorities to reconsider the matter after obtaining all the materials by demanding the same even from the Karmachari Sangh so that a fresh consideration can be made.

The writ is allowed with a direction that a new decision must be taken within a period of three months. If there are materials against the petitioner, which does not warrant her reengagement on contract and which cannot be in the interest of a good administration of the hospital then it should be specifically stated in the said decision.

Personal presence of the Superintendent, Darbhanga Medical College and Hospital stands dispensed with.

**(Ajay Kumar Tripathi, J)**

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