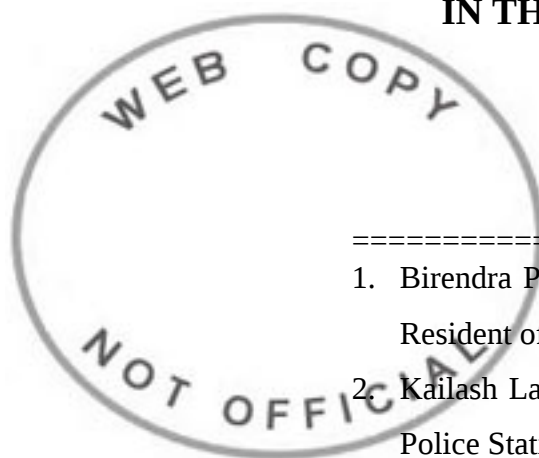




IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.190 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 15877 of 2011**

- =====
- 1. Birendra Prasad Deo @ Birendra Prasad, Son of Sri Rameshwar Prasad Deo, Resident of Village Pakari, Police Station- Baheri, District- Darbhanga
 - 2. Kailash Lal Deo, Son of Sri Deo Narain Lal Deo, Resident of Village Uraina, Police Station Baheri, District Darbhanga

.... Appellants

Versus

- 1. The State of Bihar
- 2. The Principal Secretary, Department of Health, Government of Bihar, Patna
- 3. The Commissioner, Department of Health, Government of Bihar, Patna
- 4. The Director-in-Chief, Health Services, Government of Bihar, Patna
- 5. The Regional Deputy Director, Health Services, Government of Bihar, Darbhanga Division, Darbhanga
- 6. The Civil Surgeon-Cum-Chief Medical Officer, Madhubani
- 7. The Civil Surgeon-Cum-Chief Medical Officer, Madhepura
- 8. The Incharge Medical Officer, Primary Health Centre, Bennipatti, District- Madhubani
- 9. The Incharge Medical Officer, Primary Health Centre, Madhwapur, District- Madhubani

.... Respondents

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Appearance :

For the Appellants :

For the Respondents : Mr. Siddharth Prasad, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)
Date: 22-06-2016

None has put in appearance on behalf of the appellants yesterday when the matter was passed over for today. None has put in appearance on behalf of the appellants even today.

2. The challenge in the present Letters Patent Appeal is to an order dated 20th of August, 2013 passed by the learned Single Bench of this Court in C.W.J.C. No. 15877 of 2011, whereby the challenge to the order passed by the One Man Enquiry Committee dated 28th of March, 2011 was not interfered with.

3. The appointment of the appellants as Vaccinator was terminated on 24th of May, 2001, *inter alia*, for the reason that the appointment was made by Civil Surgeon who was not competent Appointing Authority. Similar order was passed in respect of other employees.

4. The writ application filed by the employees came up for hearing before the Learned Single Bench of this Court on 6th of October, 2009. The order of termination was quashed with a direction to reinstate the employees. An L.P.A. No. 1623 of 2009 preferred against the said order was decided with a direction to constitute One Man Enquiry Committee to consider the case of termination of the employees. The One Man Enquiry Committee was constituted to look into various facets of nature of appointment with a view to adjudicate

the legality of appointment and continuity in service. The One Man Enquiry Committee gave its report on 28th of March, 2011 affirming the order of termination of the services of the appellants on 24th of May, 2001.

5. The learned Single Bench dismissed the writ application relying upon the report of the One Man Enquiry Committee holding that the appointment of the appellants is illegal. The appointment of the appellants has been found to be vitiated by the One Man Enquiry Committee. Therefore, we do not find that there is any error in the findings recorded by the One Man Enquiry Committee, warranting interference in the present appeal. We do not find any ground to interfere with the order passed by the learned Single Bench.

6. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Anjani
N.A.F.R.

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