

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18001 of 2014

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Upendra Kumar Jha son of Late Sudhakar Jha, resident of village - Manik Chowk,
P.O. and P.S. Runni Saidpur, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Medical Education, Govt. of Bihar, Patna
2. The State Health Society, Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna
3. The Secretary cum Executive Director, the State Health Society, Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna
4. The District Magistrate cum Chairman, District Health Society, Sitamarhi
5. The Civil Surgeon-Cum-Member Secretary, District Health Society, Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur
		Mr. Rajesh Ranjan
For the Respondent-State:	:	Mr. Mritunjay Kumar, AC to AAG10
For the Health Society	:	Mr. K. K. Sinha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 08-02-2016

Writ application is dismissed because appointment of the petitioner is not substantive but a contract.

Since it is a contract for service and not a contract of service, therefore, satisfaction of the agency hiring the service of the petitioner is of utmost importance and the principle which is being urged at the bar, which applies to a substantively appointed employee, does not apply in the present case.

If the respondents feel that hiring of the petitioner on contract has lost its objectivity, they have all the freedom to disengage him. If the petitioner feels that there is violation of the contract, he has freedom to seek common law remedy before a civil court of competent jurisdiction.

Petitioner may assert his right for claim of his honorarium for the

period he has worked, which will be examined and appropriate relief may be granted.

(Ajay Kumar Tripathi, J)

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