

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1654 of 2012

IN

Civil Writ Jurisdiction Case No 14204 of 2012

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1. Babita Kumari W/O Ranjeet Kumar Rana R/O Village- Madhepur, P.S.-
Barbigha, District- Sheikhpura

2. Niranjana Kumari W/O Satyendra Kumar R/O Village- Pichasa, P.S.- Rahui,
District- Nalanda

.... Appellant/s

Versus

1. The State Of Bihar

2. The Principal Secretary Health Services, Bihar, Patna

3. The Director-In-Chief Health Services, Bihar, Patna

4. The Secretary-Cum-Executive Director State Health Society, Bihar, Patna

5. The District Magistrate-Cum-Chairman District Health Society, Siwan, District-
Siwan

6. The Civil Surgeon-Cum-Chief Medical Officer-Cum-Member Secretary District
Health Society, Siwan, District- Siwan

7. The In-Charge Medical Officer Primary Health Centre, Daraunda, District-
Siwan

8. The Health Manager Primary Health Centre, Daraunda, District- Siwan

.... Respondent/s

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For the Appellant/s : Mr Amresh Kumar, Advocate (AOR 406)

For the Respondent/s : Mr Mritunjay Kumar, AC to AAG 10

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CORAM: HON'BLE MR JUSTICE HEMANT GUPTA

&

HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE HEMANT GUPTA)

Date: 23-02-2016

The present Letters Patent Appeal is directed against an order passed by this Court on 30th of August, 2012 whereby challenge, to the termination of the services of the appellants on 16th of May, 2012, remained unsuccessful.

2 The appellants were appointed on contract basis as Auxiliary Nurse Midwifery. Their services were terminated after giving them show cause notice on 01.07.2010 (Annexure 5 to the writ petition).

3 One Geeta Devi is stated to have delivered a child with the assistance of the appellants. A Police Case was lodged in respect of fictitious entry made of birth of her child. The learned Single Judge has found that earlier petitioners had filed writ petition being CWJC No 2104 of 2012 in which the order of termination was not interfered with but liberty was granted to the appellants to represent in respect of punishment proposed to be imposed against them. The representation has been considered. The learned Single Judge has found that there is no illegality in the decision making process. Geeta Devi is said to have delivered child on 04.09.2009 but from the report of Health Manager, it was found that Geeta Devi did not deliver child either on 04.09.2009 or on 14.09.2009 and that both entries were wrong. In fact, it was found that Geeta Devi delivered child on 28th of January, 2009 in a Private Nursing Home.

4 The appellants were contractual employees. The principles of natural justice have been complied with when a show cause notice was issued before terminating their services. Therefore, we do not find that there is any illegality in the order passed by the learned Single Judge which may warrant interference in the present appeal. This appeal is dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

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