

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5734 of 2014

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Dr. Md. Quamarujjama, Son of Late Dindar Hussain, resident and P.O.-
Bastta, P.S.- Mainatand, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Personnel and Administrative Reforms Department, Bihar, Patna
3. The Principal Secretary, Health Department, Bihar, Patna
4. The Secretary, Health -cum- Executive Director, State Health Samiti, Bihar, Patna
5. The Director Pramukh, Health Services, Bihar, Patna
6. The Regional Deputy Director, Health Services, Tirhut Division, Muzaffarpur
7. The District Magistrate-cum-Chairman, District Health Samiti, West Champaran at Bettiah
8. The Civil Surgeon-cum-Member Secretary, District Health Samiti, West Champaran
9. The Medical Officer Incharge, Primary Health Centre District- West Champaran

.... Respondent/s

with

Civil Writ Jurisdiction Case No.6003 of 2014

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Dr. Shyam Nandan Shukla Son of Late Rajdhari Shukla, Resident Of
Village - Judwa Pakari, P.O. & P.S. - Bhairoganj, District - West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Personnel and Administrative Reforms Department, Bihar, Patna
3. The Principal Secretary, Health Department, Bihar, Patna
4. The Secretary Health-Cum-Executive Director, State Health Samiti, Bihar, Patna
5. The Director Pramukh, Health Services, Bihar, Patna
6. The Regional Deputy Director, Health Services, Tirhut Division, Muzaffarpur
7. The District Magistrate-Cum-Chairman, District Health Samiti, West Champaran at Bettiah
8. The Civil Surgeon-Cum-Member Secretary, District Health Samiti, West Champaran
9. The Medical Officer Incharge, Primary Health Centre District - West Champaran

.... Respondent/s



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with

Civil Writ Jurisdiction Case No.6030 of 2014

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Dr. Arun Kumar Tiwari Son of Dr. Sharda Tiwari, Resident of Village -
Thakaraha, P.S. Thakaraha, District - West Champara.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Personnel & Administrative Reforms
Government of Bihar, Patna
3. The Principal Secretary, Health Department, Bihar, Patna
4. The Secretary Health - Cum - Executive Director, State Health Samiti,
Bihar, Patna
5. The Director Pramukh, Health Services, Bihar, Patna
6. The Regional Deputy Director, Health Services, Tirhut Division,
Muzaffarpur
7. The District Magistrate -Cum- Chairman Health Samiti, West Champaran
at Bettiah
8. The Civil Surgeon - Cum - Member Secretary, District Health Samiti,
West Champaran
9. The Medical Officer Incharge, Primary Health Centre District - West
Champaran.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.6069 of 2014

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Dr. Anisur Rehman S/o Late Zalil Ahmad, resident of Moh: - Neren Masjid,
Ward No. 5 Bettiah, P.S. - Bettiah Town, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Personnel & Administrative Reforms
Department, Bihar, Patna
3. The Principal Secretary, Health Department, Bihar, Patna
4. The Secretary Health-Cum-Executive Director, State Health Samiti,
Bihar, Patna
5. The Director Pramukh, Health Services, Bihar, Patna
6. The Regional Deputy Director, Health Services, Tirhut Division,
Muzaffarpur
7. The District Magistrate-Cum-Chairman, District Health Samiti, West
Champaran At Bettiah
8. The Civil Surgeon-Cum-Member Secretary, District Health Samiti, West
Champaran
9. The Medical Officer Incharge, Primary Health Centre District - West
Champaran

.... Respondent/s



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with

Civil Writ Jurisdiction Case No.6400 of 2014

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Dr. Dasharath Manjhi S/o Late Maharaj Manjhi, Resident of Village-Basant Bihar Colony Bettiah, P.S.- Bettiah, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Personnel & Administrative Reforms Department, Bihar, Patna
3. The Principal Secretary, Health Department, Bihar, Patna
4. The Secretary Health-Cum-Executive Director, State Health Samiti, Bihar, Patna
5. The Regional Deputy Director, Health Service, Tirhut Division Muzaffarpur
6. The Director Pramukh, Health Services, Bihar, Patna
7. The District Magistrate-Cum-Chairman, District Health Samiti, West Champaran at Bettiah
8. The Civil Surgeon-cum-Member Secretary, District Health Samiti, West Champaran
9. The Medical Officer Incharge, Primary Health Centre District- West Champaran

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.6462 of 2014

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Dr. Upendra Kumar Son of Late Ranjit Kumar, Resident of Village-Shikarpur, P.S.- Sikta, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Personnel & Administrative Reforms Department, Bihar, Patna
3. The Principal Secretary, Health Department, Bihar Patna
4. The Secretary Health-Cum-Executive Director, State Health Samiti, Bihar, Patna
5. The Director Pramukh, Health Services, Bihar, Patna
6. The Regional Deputy Director, Health Service, Tirhut Division, Muzaffarpur
7. The District Magistrate-Cum-Chairman, District Health Samiti, West Champaran at Bettiah
8. The Civil Surgeon-Cum-Member Secretary, District Health Samiti, West Champaran
9. The Medical Officer Incharge, Primary Health Centre District- West Champaran

.... Respondent/s



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Appearance :

(In CWJC No.5734 of 2014)

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Respondent/s : Mr. - Raju Giri, GP 30

For the State Health Society Mr. K.K. Sinha, Advocate

(In CWJC No.6003 of 2014)

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Respondent/s : Mr. Purnendu Singh, GP-27

For the State Health Society Mr. K.K. Sinha, Advocate

(In CWJC No.6030 of 2014)

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Respondent/s : Geeta Kumari

For the State Health Society Mr. K.K. Sinha, Advocate

(In CWJC No.6069 of 2014)

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Respondent/s : Mr. Nirbhay K.Singh

For the State Health Society Mr. K.K. Sinha, Advocate

(In CWJC No.6400 of 2014)

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Respondent/s : Mr. Manikant Mishra

For the State Health Society Mr. K.K. Sinha, Advocate

(In CWJC No.6462 of 2014)

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Respondent/s : Smt. B. Singh (Gp31)

For the State Health Society Mr. K.K. Sinha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 26-07-2017 Heard both sides.

The issue involved in these writ petitions is identical,
as such, these writ petitions are disposed of by a common order.

In this case, the petitioner has prayed for quashing
the order, as contained in Memo no. DHS/161 dated 22.02.2014,
issued by the Civil Surgeon-cum-Member Secretary, District
Health Society, West Champaran, Bettiah by which the contract
service of the petitioner was terminated on completion of 60 years



of age. The petitioner was appointed in pursuance of Advertisement of the Bihar State Health Society (Annexure-1 to this writ petition) for eleven months and subject to extension of contract till the completion of 60 years of age. The petitioner continued to work as a Doctor till the completion of 60 years of age. After completion of 60 years, the contractual service of the petitioner was terminated.

Learned counsel for the petitioner submits that the Civil Surgeon-cum-Member Secretary, District Health Society allowed Doctor Rambhadra Dubey to work on contract basis till the completion of 65 years of age in view of the order as contained in Memo No. DHS 497 dated 02.08.2013 as well as Resolution No. 3M-78/2005 of the Personnel and Administrative Reforms Department, Bihar.

It is submitted that the Civil Surgeon-cum-Member Secretary, West Champaran, Bettiah terminated the contract service of the petitioner on completion of 60 years of age, but at the same time, allowed Doctor Rambhadra Dubey to continue in service on contract till the completion of 65 years of age, as such, the action of the Civil Surgeon is discriminatory in nature, but the learned counsel for the State submits that the petitioner was appointed in pursuance of the Notification of the State Health



Society, Bihar and a single order issued by the Civil Surgeon with respect to Doctor Rambhadra Dubey cannot term the action of the Civil Surgeon terminating the service of the petitioner after completion of sixty years, illegal. The Circular of the Personnel and Administrative Department is not applicable to the staff working under the Bihar State Health Society. The counsel for the State submits that after year 2013, no Doctor has been appointed on contract basis after completion of 60 years of age.

Having considered the facts and submissions of both sides, I am of the considered view that the termination of services of the petitioners does not require any interference only on the ground that in a solitary case the Civil Surgeon relying on the Circular of Personnel and Administrative Reforms Department extended the service of Doctor Rambhadra Dubey Accordingly as prayed for the writ petition is disposed of as withdrawn. If the petitioner files representation, the Civil Surgeon shall dispose the representation of the petitioner within three months from the date of receipt of the representation.

(Prabhat Kumar Jha, J)

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