

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1597 of 2014

IN

Civil Writ Jurisdiction Case No. 8111 of 2013

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Arvind Kumar Son of Late Balmiki Prasad Singh , Resident of
Mohalla -Takiapur, Near Water Tank Tower, P.S. Danapur , P.O. Digha
, Dist Patna.

.... Appellant

Versus

1. The State of Bihar, through the Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. The Joint Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
4. The District Magistrate cum Chairman, District Health Society, Bhojpur, Ara.
5. The Civil Surgeon-cum-Chief Medical Officer-cum-Member Secretary, District Health Society, Bhojpur, Ara.
6. In-charge Medical Officer, primary Health Centre, Sandesh, Bhojpur.
7. The Administrative Officer, Bihar State Health Society, Patna.
8. Executive Director, Bihar State Health Society, Patna.
9. Mr. Deepak Kumar Sharma, the then Incharge Medical Officer Primary Health Centre, Sandesh Bhojpur, At present working as ICMO/M.O. Primary Health Centre , Garhani, District Bhojpur.

.... Respondents

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Appearance :

For the Appellant	:	Mr. Prakash Chandra Jha, Advocate
For the State	:	Mr. Kamlesh Kishore, AC to SC-12
For the Respondents	:	Mr. K.K. Sinha, Advocate
		Mr. Shashi Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 10-05-2017



Heard learned counsel for the appellant, learned counsel for the State Health Society and learned counsel for the State.

The court will not interfere with the order of learned Single Judge because it is in agreement with the principle of law that the engagement of the petitioner was on contract for service and not of service. If the contract has been breached he has common law remedy and not before a writ court.

Thus, we find no merit in this appeal. It is, accordingly, dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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