

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15138 of 2006

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Bhrigunath Sah, Son of Sri Hari Sah, resident of Village Derwa, PO Sitapur, PS Ram Nagar, District West Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Health Medical Education and Family Welfare Department, Govt. of Bihar, Patna
2. The Director in Chief, Health Services, Govt. of Bihar, Patna
3. The Civil Surgeon-cum-Chief Medical Officer, West Champaran, Bettiah
4. The Deputy Development Commissioner, West Champaran
5. The Incharge Medical Officer, Primary Health Centre, Bagaha No. 1, West Champaran

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 5931 of 2006

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Man Singh, Son of Sheonath Singh, resident of Village Bholapur, Kharhat, PO Bhairoganj, PS Bhairoganj, District West Champaran, presently posted as Cholera Inoculator, Primary Health Centre, Bahaha No. 1

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 17390 of 2009

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Bhrigunath Sah S/O Sri Hari Sah R/O Vill.- Dearwa, P.O.- Sitapur, P.S.- Ram Nagar, Distt.- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar Through The Commissioner - Cum - Secretary Health Medical Education And Family Welfare Department, Government Of Bihar



- 2. The Director In-Chief Health Services, Government Of Bihar, Patna
- 3. The Civil Suregeon-Cum-Chief Medical Officer West Champaran, Bettiah
- 4. The Deputy Development Commissioner West Champaran, Bettiah
- 5. The Incharge, Medical Officer Primary Health Centre, Bagaha No.1, West Champaran
- 6. The Incharge Medical Officer Additional Primary Health Centre, Bhairoganj, West Champaran

.... Respondent/s

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Appearance :
(In CWJC No.15138 of 2006)
For the Petitioner/s : Mr. ANIL KUMAR
For the Respondent/s : Mr. Madanjeet Kumar

(In CWJC No.5931 of 2006)
For the Petitioner/s : Mr. ANIL KUMAR
For the Respondent/s : Mr. Sunil Kumar, AC to GP 11
Mr. (GP13)
(In CWJC No.17390 of 2009)
For the Petitioner/s : Mr. ANIL KUMAR
For the Respondents : Mr. Madanjeet Kumar

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT
Date: 21-09-2017

All these three writ petitions have been filed by the petitioners claiming payment of salary to them. However, from the facts that have come on record it is seen that the petitioners were appointed on the post of Compounder (Pharmacist) by the Civil Surgeon-cum-Medical Officer, West Champaran, and while so working they were transferred in the year 1990 to different Primary Health Centres. However, in the meanwhile the Secretary, Bihar State Karmachari Mahasangh and the Zila Mantri Karmi Sangh, West Champaran, made a detailed complaint pointing out that various



appointments have been made on the basis of forged letters in the Health Department, particularly in West Champaran and cases of 37 employees of the Health Department were identified. Based on the same, it was decided to cause an enquiry into the matter and simultaneously F.I.R. was lodged against 37 employees in Police Station Bettiah Criminal Case No. 326/97 for offences under Sections 467, 468, 471, 420, 474 and 120B of the Indian Penal Code and pending enquiry in the criminal case payment of salary to the employees were stopped.

Petitions were filed claiming payment of salary but in the meanwhile after enquiry into the matter the services of all the employees have been terminated and now they are being prosecuted in the criminal case before the court of competent jurisdiction.

From the counter affidavit filed by the respondent no.3 it is clear that based on the enquiry report received, finding the employees have been appointed on the basis of forged document, their services have been terminated.

In view of the above, now in this situation, it is not appropriate to allow the writ petitions and direct for payment of salary. The petitioners may challenge action taken against them and thereafter claim payment of salary in case relief is granted to them by quashing the order of termination and exonerating them in the



criminal case. Once the petitioners’ appointment prima facie found to be forged, no case at this stage when the issue is pending before the competent criminal court is called for.

The writ petitions are therefore dismissed with liberty to the petitioners to claim the benefit after conclusion of the criminal case as are indicated hereinabove.

(Rajendra Menon, CJ)

mrl

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.09.2017
Transmission Date	N.A.

