

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8747 of 2014

=====

Heeramati Srivastava @ Heeramati Devi W/o Ravi Shankar Prasad Resident of
village and P.O. Badram, Police Station - Hussainganj, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health - cum - Executive
Director, State Health Society, Bihar, Patna
2. District Magistrate, Siwan
3. Civil Surgeon - cum - Chief Medical officer, Siwan
4. District Programme Officer, District Health Society, Siwan
5. Team Leader, Asha Resource Centre, State Health Society, Patna
6. Incharge Medical Officer, Primary Health Centre, Hussainganj
7. Health Manager, Primary Health Centre, Hussainganj
8. D.P.M. District Health Society, Siwan
9. D.C.M. District Health Society, Siwan

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.

For the Respondent/s : Mr. GP22- G.P. OJHA

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 04-08-2017

Heard both sides.

2. The petitioner filed this writ petition for quashing the
order dated 01.02.2014, as contained in Memo No. DHS/178/88
(Annexure-10), Siwan by which the petitioner was dismissed from the
service of “Asha Karyakarta”.

3. Learned counsel for the petitioner submits that the
petitioner did not receive any notice and without hearing the petitioner
the Civil Surgeon-cum-Member Secretary, District Health Society
terminated the service of the petitioner from the post of “Asha



Karyakarta”. It is further submitted that on 01.02.2014 the Civil Surgeon-cum-Member Secretary, District Health Society was under custody in a trap case. The Civil Surgeon was taken into custody on 09.01.2014 and this fact has not been denied by the State in its counter affidavit.

4. The State has stated in para 10 of the counter affidavit that the order dated 01.02.2014 has not been issued by the Civil Surgeon-cum-Member Secretary, District Health Society. In fact, the aforesaid order dated 01.02.2014 is apparently issued by the District Health Society through Secretary and Dr. Sushil was then looking after the work of Civil Surgeon.

5. Having considered the submissions of the parties and on perusal of the facts, it appears that the Civil Surgeon-cum-Member Secretary, District Health Society issued the letter of termination of petitioner on 01.02.2014, as contained in Annexure-10. Admittedly, the Civil Surgeon-cum-Member Secretary, District Health Society, Siwan was taken into custody on 09.01.2014 and on 01.02.2014 he was in custody, but even then he put his signature on the termination letter of the petitioner and no show-cause was asked from the petitioner. Order terminating the service of the petitioner is violative of Principles of Natural Justice and thus bad. Accordingly, the order dated 01.02.2014, as contained in Memo No. DHS/178/88,



Siwan (annexure-10) is set aside and the writ petition is allowed. The matter is remitted to the Civil Surgeon-cum-Member Secretary, Siwan to pass order afresh in accordance with the law after hearing the petitioner.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2017
Transmission Date	NA

