

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1322 of 2014
IN
Civil Writ Jurisdiction Case No. 3370 of 2014**

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1. Babita Kumari W/o Ranjeet Kumar Rana, R/O Village- Madhepur, P.O.- Belao,
P.S.- Barbiga, District- Sheikhpura, Pin- 811101

2. Niranjana Kumari W/o Satyendra Prasad Village- Pachasa, P.O.- Mora Talab,
P.S.- Rahui, District- Nalanda, Pin- 803118

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Health,
Government of Bihar, Patna

2. The State Health Society, Govt. of Bihar, Patna through its Special Secretary-
Cum-Executive Director

3. The District Magistrate-cum-Chairman, District Health Society, District- Siwan

4. The Civil Surgeon-Cum-Member Secretary, District Health Society, District-
Siwan

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Purushottam Kumar Jha, Advocate Mr. Avanindra Kumar Jha, Advocate
For the Respondent/s	:	Mr. Prashant Pratap, GP-2 Mr. Asit Kumar Jha, AC to GP-2
For the Health Society	:	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: 25-04-2017

Heard learned counsel for the parties.

The appeal is dismissed.

No interference is warranted with the order, dated



07.04.2014, because the Learned Single Judge has given a detailed consideration to an issue, which was not even required to be interfered with in the very first place under Article 226 of the Constitution of India, especially when such engagement was on contract for a limited period and during the period of such subsistence of contract, irregularities were found in the delivery of responsibility, which was assigned to the two appellants, who were working as ANMs. This lead to the contract being rescinded.

The writ court cannot sit in appeal over such contractual matters. If appellants are so aggrieved by the decision of termination of their contract or removal, they can seek common law remedy.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	27.04.2017
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