

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1215 of 2013

In
Civil Writ Jurisdiction Case No.16217 of 2011

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Dukhmochan Mishra, Son of Late Shiv Rudra Mishra, resident of village &
P.O. Galma, Police Station Ghanshyampur, District Darbhanga

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Health Department, Bihar, Patna
3. The Director-In-Chief, Health Services, Bihar, Patna
4. The Civil Surgeon Cum Chief Medical Officer, Darbhanga
5. The Incharge Medical Officer, Primary Health Centre, Benipur, District-Darbhangha

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Prafull Chandra Jha, Advocate
For the Respondent/s : Mr. Ram Subhash Singh, AC to AAG 7

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 02-11-2017

Heard learned counsel for the appellant and learned counsel
for the State.

The writ application of the present appellant has been
dismissed by the learned single Judge vide order dated 15.03.2013
refusing to interfere with the order of termination of the appellant
since not only his appointment was found to be illegal but even the
so-called appointment letter was found to be forged.



The appeal, therefore, has been preferred against the said decision.

From the narration of facts, it is evident that no process or procedure was followed in appointment of the appellant on the post of Compounder, which is a class III post and carries some basic eligibility and experience before such appointment could be made. Admittedly, appellant was a simple Matriculate, who approached the then Deputy Director, Health Services, Government of Bihar for appointment on the post of Compounder, who is said to have forwarded and recommended his case to the Civil Surgeon- cum- Chief Medical Officer, Darbhanga, who readily obliged him by making such appointment.

No doubt, the appellant worked from 05.11.1982 but subsequently when this matter emerged and inquiry was held it was found that even the appointment letter was a forged letter, therefore, his continuance on the post of a Compounder became tenuous. His services were terminated. He approached the High Court earlier. The High Court gave him an opportunity to present his case before the concerned authorities where he failed to satisfy the authorities and, therefore, he was terminated a second round over. That was the cause of action for preferring the writ



application which has now been dismissed by the learned Single Judge.

The manner as well as the factum of appointment itself having been obtained on a forged kind of appointment letter, the reason for termination and the dismissal of the writ cannot be said to be illegal or erroneous which requires any interference.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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