

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1722 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 7632 of 2015**

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Ashok Kumar Singh, son of Shri Beni Prasad, Resident of village- Thanka, Post Ballipur, Police Station- Hathori, Via Elemesh Nagar, District- Samastipur.

.... Appellant/s

Versus

1. The State Health Society through its Executive Director, Sheikhpura, Patna.
2. Executive Director, State Health Society, Sheikhpura, Patna.
3. Additional Executive Director, State Health Society, Sheikhpura, Patna.
4. State Institute of Health and Family Member through its Director, Sheikhpura, Patna.
5. Director Institute of Health and Family Member, Sheikhpura, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Ranjan, Advocate

For the Respondent/s : Mr. Kishore Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-03-2017

Seeking exception to an order dated 10.08.2015 passed by the learned Writ Court in C.W.J.C. No. 7632 of 2015 this appeal has been filed under Clause 10 of the Letters Patent.

2. Appellant claims to have been selected for appointment as a Cold Chain Technician. However, when he could



not report for joining in pursuance to the appointment on contract basis, granted and when certain other persons in the waiting-list were permitted joining and sent for training, complaining about non-execution of the contract and seeking a *mandamus* for permitting joining, the writ petition was filed and the reason for not joining within the time stipulated was explained by contending that his mother had met with an accident. She was admitted in the Base Hospital, Delhi Cantonment and, therefore, he had genuine reasons which prevented him from joining.

3. However, respondents contended that once the appointment was on contract basis for a fixed period and when the appellant did not join within the period stipulated, now he cannot be permitted joining.

4. The learned Writ Court dismissed the writ petition by holding that the appointment was on contract basis and when the appellant did not join the post after execution of the contract within the stipulated period, no interference can be made in the matter of granting relief to the appellant, particularly in the matter of a contract appointment for a fixed time.

5. Keeping in view the reasons indicated by the Writ Court for dismissing the writ petition, we find no error in the same warranting reconsideration. The Letters Patent Appeal is, therefore,



dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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