

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5254 of 2011

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Vijay Kumar Sinha Son Of Late Sri Chhotelal Resident Of Village - Kosanara, Post Office- Eksara, Police Station - Nalanda, District - Nalanda, At Present Residing In The Campus Of Blooming Rose Public High School, Transport Nagar, Kumharar, Police Station - Patrakar Nagar, Patna - 800026

.... Petitioner

Versus

1. The State Of Bihar, through the Director In-Chief Health Services, Bihar, New Secretariat, Patna
2. The Chief Secretary, Govt. Of Bihar, Patna
3. The Regional Deputy Director, Health Services, Magadh Pramandal, Gaya
4. The Child Surgeon Cum-Chief Medical Officer, Nawada, District- Nawada
5. The First Medical Officer/Incharge Medical Officer, Sadar Parkhand, Nawada District - Nawada

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad Singh, Advocate
For the Respondent/s : Mr. A.C. to S.C.28

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
Date: 19-01-2018

Heard learned counsel for the petitioner and
learned counsel representing the State.

2. In this writ application petitioner has challenged the judgment and order dated 25.01.2011 passed by Hon'ble Justice Sri Uday Sinha, One Man Committee in Case No. 188/2010.

3. It is a matter of record that in the earlier round of proceeding by virtue of the directions issued by the Division Bench of this Court the One Man Committee was constituted to look into the individual cases and pursuant thereto the Committee considered the case of the present petitioner.

4. A perusal of the judgment and order dated



25.01.2011 (Annexure-15 to the writ application) passed by Hon'ble Justice Sri Uday Sinha, One Man Committee, would show that the case of the petitioner was duly considered. It was found that his appointment was absolutely illegal as he had not been appointed by Civil Surgeon who was the competent authority for making his appointment.

5. It has also been held that the Regional Deputy Director had no power to make such an appointment. The Regional Deputy Director tried to cover up his *malafide* act in appointing the petitioner by mentioning that petitioner was being posted in the office of the Regional Deputy Director. The One Man Committee has committed no wrong and the reason assigned in the impugned judgment dated 25.01.2011 could not be assailed by the petitioner on any cogent ground. This Court sitting in its writ jurisdiction under Article 226 of the Constitution of India can not act as a fact finding court and hence this court is not inclined to interfere with the impugned judgment.

6. This writ application has not merit. It is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.01.2018
Transmission Date	NA

