

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21739 of 2014

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1. Nesab Alam Son of Md. Israil Resident of village-Galimapur, Post Office and Police Station- Taraiya, District- Saran (Chapra).
 2. Javed Miyandad Son of Dr. Md.Mustaquim Resident of village- M.M. Colony, Post Office- Siwan, District- Siwan.
 3. Yangya Prasad Nath Sharma Son of Vijay Kumar Nath Resident of village- Jenra, Post Office- Keyarsank, District- Kendrapada (Odisha).
 4. Pradip Ojha Son of Late Baidya Nath Ojha Resident of village Punak Buzurg, Police Station -Darauli, via-Mairwa, District- Siwan.
 5. Indra Narayan Tiwary Son of Late Chandra Bhushan Tiwary Resident of Mohalla- P.C. colony, Post office-Lohiya Nagar, Kankarbagh, District-Patna.
 6. Ajit Kumar Ram Son of Sri Lal Bihari Ram Resident of village- Barkagaow, Police Station-Bhagwanpur Hat, District- Siwan.

.... Petitioner/s

Versus

1. Union of India through Directorate of National Vector Borne Disease Control Programme 22, Sham Nath Marg, Delhi.
2. The State of Bihar
3. The Principal Secretary, Health and Family Welfare Department, Bihar, Patna.
4. The Director-in-Chief, Health and Family Welfare Department, New Secretariat Building, Government of Bihar, Patna.
5. The Joint Director-Cum-State Programme Officer, Malaria/Kalazar, Sultanganj, Bihar, Patna.
6. The District Magistrate, Siwan.
7. The District Malariya Officer, Siwan.
8. The Civil Surgeon-Cum-Member Secretary, District Health Society, Siwan
9. Staff Selection Commission, through its Chairman.
10. State Health Society, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shubh Narain Singh, Advocate
For the State : Mr. Binod Kumar Yadav, SC 18
For the UOI : Mr. Sujeet Kumar Sinha, CGC

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 08-10-2018

Heard counsel for the petitioners, respondent State and the Union of India.

2. Petitioners have filed the writ petition praying that their contractual engagement as Kala-azar Technical Supervisors with



effect from 2008-09 be regularized.

3. Counsel for the petitioners submits that some direction has been given to the Union of India under communication dated 25.12.2011 that the contractual employees up to the year 2015 should be regularized. Though the pleading has been made in the writ petition, the document on which petitioner places reliance has not been annexed with the petition.

4. Counsel for the State and the Union of India has drawn attention of the Court towards the advertisement pursuant to which the petitioners were engaged on contractual basis. The same is Annexure 2 to the writ petition. From perusal of the same it appears that the Bihar State Health Society has issued an advertisement for 31 Districts which was effected by Kala-azar for appointment of Kala-azar Technical Supervisors on contractual basis. The State Health Society, Bihar has also not been impleaded as a party respondent to the instant petition by the petitioners.

5. From the pleadings on record it appears that subsequent upon their initial appointment on contractual basis in the year 2008-09 the period of five years of petitioners' contractual services were again extended for further period of three months i.e. up to the year 2017. The developments subsequent to 2017 are also not on record. Even the order of original contractual



appointment/engagement of the petitioners has not been placed on record in the instant proceedings. There is insufficiency of pleadings so as to enable this Court to examine the claim raised by the petitioner.

6. Counsel for the petitioner being faced with such difficulty seeks permission that the State Health Society, Bihar may be impleaded as a party respondent in the proceedings.

7. Prayer is allowed.

8. He is permitted to implead the State Health Society, Bihar as a party respondent in the instant proceedings.

9. It is thereafter submitted that he will raise his detailed claim before the Health Society for regularization on the contractual engagement of the Government.

10. Since this Court has no occasion to go into the rights of the petitioner as alleged, it is made clear that this Court is not expressing any opinion on the merits of the claim raised by the petitioner. However, petitioner would be at liberty to approach the authority with a detailed representation.

11. Writ petition stands disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

