

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22538 of 2014

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Yogendra Rai, Son of Late Peyare Rai, Resident of Village – Bariyarpur, P.O. Bhairampur, P.S. Biddupur, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through Secretary Department of Health, Govt. of Bihar, Patna.
2. Director-in-Chief, Health Services Government of Bihar, Patna.
3. Regional Deputy Director, Health Services Tirhut Division, Muzaffarpur.
4. Civil Surgeon-cum-Chief Medical Officer, Vaishali of Hajipur.
5. In-charge Medical Officer, Goraul, District-Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amod Kumar Singh, Advocate
For the Respondent/s : Mr. Rajesh Kumar AC to GP 3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 19-06-2018

Heard learned counsel for the petitioner and the respondent State.

2. The petitioner had earlier approached this Court by filing C.W.J.C. No. 17306 of 2010. He sought a direction for payment of salary to the petitioner and allowing him to discharge his duties. The petitioner has placed his claim by submitting that he had been engaged on daily wages on 15.07.1986. He claims to have been regularized on 12.05.1987 and that his service book was also opened on 07.11.1990.

3. Alleging the aforesaid facts he moved this Court by filing a writ petition in the year 2010 claiming payment of salary and to direct to perform his duties. This Court finding the disputed issues regarding genuineness of the petitioner's appointment



directed the Director- in- Chief, Health Services, and Government of Bihar to get the matter enquired and take a final decision with respect to the claim of the petitioner. The petitioner thereafter, has made his representation in compliance of the order dated 02.11.2012 passed in C.W.J.C. No. 17306 of 2010. The representation have been filed by the petitioner on 10.12.2012 and after getting the matter enquired in compliance of this Court's earlier direction and calling for a report from the In-Charge, Medical Officer, Primary Health Service, Goraul where the petitioner claims to have been appointed, the issue has finally been decided with reference to the documents which have been sent by the In-charge Medical Officer, Health Service, Goraul under his report dated 30.01.2013, Annexure A series to the counter affidavit filed on behalf of the respondent no. 4.

4. The clear cut finding of the Director- in- Chief based on the documents made available by the said In-charge Medical Officer is that the petitioner has not performed his duties for a single day after submitting his joining on 15.05.1987. Otherwise also the findings in the order of the Director- in-Chief dated 21.11.2013 are that the petitioner did not possess the requisite qualification for appointment and that the appointment of the petitioner was illegal. Such stand of the respondents have not been disputed or controverted by the petitioner by filing any rejoinder.

5. On query made by this Court to counsel for the



petitioner whether he has been paid any salary for even a single day after his alleged joining in 1997 the reply is in the negative. Even otherwise the Director-in- Chief has taken note of the fact that there is no evidence whatsoever that the petitioner was performing any duty subsequent upon his submission of joining with effect from 15.05.1987.

6. Considering the rival submissions of the parties, this Court finds no reason to interfere with the order dated 21.11.2013 passed by the respondent no. 2 Director-in-Chief, Health Department, Government of Bihar after a detailed enquiry in the matter and after affording due opportunity of hearing to the petitioner.

7. The writ petition is devoid of any merits and is dismissed

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

