

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2958 of 2017

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1. Tejnarayan Pathak, son of Sri Bikrama Pathak, Resident of Village- Saisar, PO- Saisar, P.S.- Dinara, District- Rohtas- 802117.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Director, Bihar Health Society Mission, Govt. of Bihar, Patna.
3. The Executive Director, Bihar State Health Society, Patna.
4. The Kaimur District Health Society Committee through its Secretary-cum-Civil-Surgeon Kaimur, at Bhabhua.
5. The District Magistrate-cum-Chairman, District Health Society, Kaimur at Bhabhua.
6. Rajnish Patel Physiotherapist, Sadar Hospital, Bhabhua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Respondent/s : Mr. BINOD KR. YADAV SC-18

For respondent No.1, 4 & 5 : Mr. Aditya Nath Jha, A.C. to S.C.-18.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-07-2018

1. Heard learned counsel for the petitioner and counsel appearing on behalf of the State.
2. The petitioner was appointed as Psychotherapist for one year and after being satisfied of his work, the liberty was given by the authority to extend the period for three years.
3. The petitioner having been appointed on 17.07.2014 that the maximum period, the petitioner could be appointed for four years. The respondents authorities have terminated the terms of contract and in his place another person has been appointed.
4. Grievance has been raised by the petitioner that similar to the petitioner other persons are appointed as Psychotherapist and they are still



working but the petitioner has been selectively removed. Further submits that he had approached this Court in C.W.J.C. No.9505 of 2015 and this Court vide order dated 09.02.2016 directed the petitioner to exhaust the remedy of appeal. Accordingly, he filed the Appeal before the Executive Director, State Health Society, Bihar, Patna who after hearing the parties remanded back the case to the District Magistrate who is the Chairman of District Health Society who has reiterated the earlier order and affirmed the action taken by the District Health Society whereby and whereunder the service of the petitioner has been dispensed with. This is an appealable order instead of filing the appeal, the petitioner has approached this Court.

5. In such view of the matter, let the petitioner should file appropriate Appeal before the Executive Director, State Health Society, Bihar, Patna who will consider each aspect of the matter and pass reasoned order in accordance with law within a period of three months from the date of receipt / production of a copy of this order.

6. With the aforesaid observation and direction, this writ petition is disposed of.

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26/07/2018
Transmission Date	NA

(Shivaji Pandey, J)

