

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16169 of 2012

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1. Umesh Kumar Yadav, Son of Sri Bansh Narain Singh, resident of Village - Bagadhi, P.S. - Ramgarh, District – Kaimur.
 2. Ganesh Rawat Son of Sri Bhairav Rawat, resident of Village and P.O. - Nuan, District – Kaimur.
 3. Nure Nazar @ Nure Nazar Rai, Son Sri Bechan Rai resident Of Village and P.O. - Akhilashpur, District – Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary cum Commissioner to Govt. Department of Health, Bihar, Patna.
2. The Executive Director, State Health Society, Bihar Pariwar Kalyan Bhawan, Sheikhpura, Patna – 800014.
3. The District Magistrate cum Chairman District Health Society, Kaimur, at & P.O. - Bhabhua, District – Kaimur.
4. The Civil Surgeon cum Secretary, District Health Society, Kaimur, at & P.O. - Bhabhua, District – Kaimur.
5. The Medical Officer-In-Charge cum Adhayaksha, Rogi Kalyan Samiti, Primary Health Centre, Nuan, District – Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Sinha, Adv.
For the Respondent/s : Mr. Sanjay Kr No.1, SC12
Mr. K.K. Singh, AC to SC 10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 14-09-2018

Though a prayer for adjournment is being made on grounds that while counsel Diwakar Prasad Sinha has since deceased the other counsel on record Mr. Kaushal Kumar, has not come to the Court but having perused the records of the proceeding, the relief prayed therein and the orders so passed by the respondents, impugned in the writ petition, I am not persuaded to adjourn the matter specially where it has come up for consideration after a lapse of 6 years.



The petitioner has challenged the dispensation of their service under the order of Civil Surgeon- cum- Chief Medical Officer, Kaimur at Bhabua bearing No. 1125 dated 15.06.2012 inter alia on grounds that it was passed without following the due process of law. Perusal of the pleadings on record would confirm that these petitioners were employed on contractual basis and their termination has taken place in the light of an order passed by a Division Bench of this Court passed in **C.W.J.C. No. 8068 of 2011 (Nand Lal Ram versus State of Bihar & Ors.)** whereby the Division Bench taking note of the complaint against the illegal appointments directed the authority to examine the same and whereupon in consideration of the facts on record that the termination order dated 15.06.2012 was passed. Neither thus, on the nature of appointment of the petitioner which is contractual in nature nor on the fact that the order of termination dated 15.06.2012 is resting on a direction by the Division Bench, I am persuaded to grant indulgence or interfere with the termination order.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/Ranveer

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2018
Transmission Date	NA

