

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.806 of 2015

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Ajay Kumar Son of Shri Ramashish Prasad, Resident of Flat No. 306/800, P.O. & P.S.- Shastri Nagar, District- Patna. Petitioner/s

Versus

1. The State of Bihar, through Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Vikas Bhawan, Patna.
3. The Director-in-Chief, Health Services, Government of Bihar, Patna.
4. The Joint Director-cum State Programme Officer, Health Services, Bihar, Patna.
5. The District Magistrate-Cum- Chairman, District Health Society, Siwan.
6. The Civil Surgeon-Cum-Secretary, District Health Society, Siwan, Bihar.
7. The District Tuberculosis Officer, District Health Society, Siwan, Bihar.
8. The State Programme Officer (Tuberculosis) Agamkuan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Vijay Kumar, Advocate
For the Respondent/s : Mr. Anant Pd Singh, SC 15

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 04-04-2018

Heard counsel for the petitioner and the respondent State.

2. The relief prayed for in the instant writ petition stands covered by the order dated 09.09.2014 passed in C.W.J.C. No. 11753 of 2010 by this Court.

3. It has clearly been held in the said order that the petitioner's continuation on his contractual post of State Tuberculosis Supervisor beyond completion of the term of the contract i.e., 11 months from the date of commencement, being 19.01.2009 was without any legal status. This Court has expressly held as follows :

“8. I am of the considered opinion that the petitioner did not have any right to continue as State Tuberculosis Supervisor after he completed the period of 11 months from the date of commencement of contractual appointment i.e. 19.01.2009.”

4. Therefore, the submission made by the counsel for the petitioner that non-assigning of reasons in the order dated 18.12.2014



bringing to an end the contractual engagement of the petitioner, is unsustainable, cannot be accepted.

5. In view of the petitioner's status having been determined under the said order dated 09.09.2014 passed in C.W.J.C. No. 11753 of 2010 to the extent that he had no right to continue on the said post beyond termination period of contract on 18.01.2010, no right can be claimed on behalf of the petitioner in respect of the said post.

6. It is submitted by the counsel for the petitioner that it would be apparent from the said order dated 09.09.2014 passed in C.W.J.C. No. 11753 of 2010 that the petitioner has continued to work on the said post beyond the said period till passing of the said order dated 09.09.2014 passed in C.W.J.C. No. 11753 of 2010 under various interim orders of this Court.

7. In respect of the payment due to him for the period during which he has discharged the work under interim orders of this Court or otherwise under the order of the Joint Director, Health Services and the State Programme Officer by his letter no. 19.12.2009, petitioner's counsel submits that his representation has already been submitted which is Annexure 1/1 to the supplementary affidavit filed in the instant proceedings.

8. In view of such representation made by the petitioner, the respondent authorities shall be obliged to consider the petitioner's entitlement and pass a reasoned order in respect of his claim and make the admissible payments within a period of three months from today.

9. The writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.04.2018
Transmission Date	

