

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4964 of 2017

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Niharkant Jha, Son of Sri Srikant Jha, resident of Village- Bhikhanpur, Police
Station- Ishachak, District- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Executive Director, State Health Committee, Bihar, Patna.
4. That Divisional Commissioner, Bhagalpur.
5. The District Magistrate-cum-Chairman District Health Committee, Bhagalpur.
6. The Civil Surgeon-cum-Member Secretary, District Health Committee,
Bhagalpur.
7. The Incharge Medical Officer, Primary Health Centre, Bihpur, Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate Mr. Pankaj Kumar Sinha, Advocate
For the Respondent/s	:	Mr. S.D. Yadav-AAG-9 Mr. Anil Kumar Verma, A.C. to A.A.G.-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 03-12-2018 Heard learned counsel for the petitioner and

learned counsel for the State.

The grievance has been raised by the petitioner that
he was a contractual employee, but on the complaint of one
A.N.M. a Vigilance case was instituted and he was put behind
the bar. When he was released from the jail custody, he has gone
to join the place of posting, which has been refused.



The petitioner is comparing himself with the case of Pankaj Kumar @ Pankaj Prakash, but learned counsel for the petitioner fairly accepts that Pankaj Kumar @ Pankaj Prakash was a regular employee whereas the petitioner was appointed on contract basis.

The petitioner cannot compare himself with the regular employee, whose service condition is governed by the statutory provisions, but in case of the petitioner, it is not the same service condition. He is governed by the terms and conditions of contract and the period of contract is also over, now he cannot claim that he should be allowed to join the place of posting.

In such view of the matter, this Court does not find any merit in this writ petition, accordingly, the same is dismissed. It goes without saying that if any salary is standing in the account of the petitioner, the respondents authorities are obliged to release the same in favour of the petitioner without any delay preferably within a period of eight (8) weeks from the date of receipt/production of a copy of this order.

(Shivaji Pandey, J)

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