

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3532 of 2016

Parmanand Mandal Son of Jagdish Mandal Resident of Village- Parasrama,
Post- Simrahi Bazar, P.s- Raghapur District Supaul.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Health Department, Govt. of Bihar Patna
2. The Director-in-Chief, Health Services, Bihar Patna.
3. The Deputy Director, T.B.D.C. Health Services, Government of Bihar, Patna.
4. The Deputy Director, Health Services, Government of Bihar, Patna.
5. Ramautar Prasad, BCG Technician cum Typist TBDC Headquarter, Agam Kuan Patna 7 posted as BCG Technician cum Typist Patna Medical College & Hospital Patna.
6. Ratindra Prasad Yadav Lab Technician T.B.D.C. Headquarter Agam Kuan, Patna -7 Posted at Patna Medical College & Hospital Patna

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Verma
For the Respondent/s	:	Mr. Manoj Kumar Sinha, AC to GA 9

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-04-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the State.

The petitioner was terminated from his services in the Health Department by letter No. 528 dated 30.4.1993. The writ petition after inordinate and unexplained delay has been filed in the year 2016 seeking reinstatement/regularisation, in spite of the fact that admittedly since 1993 the petitioner has been out of service on account of his termination.

The termination of the petitioner along with various



others in the Health Department was the subject matter of protracted litigation. The large scale termination on account of large scale illegalities in the matter of appointment has been affirmed by the Apex Court in the case of *Ashwani Kumar & others Vs. State of Bihar* reported in *(1997) 2 SCC 1*. The petitioner has referred to certain instances of others, who were terminated, like the petitioner, but were subsequently reinstated. Vague assertion has been made by citing certain example and on that basis he seeks parity in the matter of reinstatement/regularisation.

Law is very clear. The termination of the petitioner and others having been affirmed up to the Apex Court, relief of reinstatement merely because others have been granted the same, amounts to seeking a writ for perpetuating an illegality. Resort to writ proceedings for perpetuation of illegality cannot be permitted.

Further this Court would observe that allowing relief of reinstatement to the petitioner in view of the judgment of Apex Court in the case of *Ashwani Kumar (supra)* would be violative of the law of finality of judgments, since the highest court of the land, i.e. the Apex Court has already settled the issue and upheld termination of the appointees of Dr.



A.A.Mallik including the petitioner's termination.

Apart from that the inordinate delay in filing the writ petition coupled with laches disentitles the petitioner to any relief.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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