

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13606 of 2014

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Ashutosh Kumar, Son of Sri Jagdish Prasad, Pramada Kunj, Ward No 15,
Hanumant Nagar, Araria- 854311.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Health Department,
Government of Bihar, Patna
2. The District Magistrate, Araria.
3. The Regional Deputy Director (Health Services), Purnia Division, Purnia.
4. The Administrative Officer, State Health Society, Family Welfare Building,
Shekhpura, Patna- 800014
5. The Civil Surgeon, District Health Society, Araria.
6. The District Project Manager, District Health Society, Araria.

... .. Respondent/s

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For the Petitioner/s	:	Mr Ravi Prakash, Advocate
For the Respondent/s	:	Mr Niraj Kumar, AC to GA X

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 16-07-2019

Heard learned counsel for the petitioner as well as the
learned State Counsel.

2 Petitioner had applied in response to Advertisement
dated 17.11.2011 for being considered for contractual appointment
as District Evaluation and Monitoring Officer under the National
Rural Health Mission. The petitioner was empanelled in the
process at Serial No 15. The list of candidates, pursuant to the
process of selection, is Annexure 2 to the writ petition. It is
submitted that he has wrongly been denied the contractual
appointment and that once his name had figured in the list, it was
the duty of the authorities to offer him appointment.



3 The Advertisement was for contractual appointment.

Petitioner's counsel admits that it was initially for a period of eleven months. He also submits that those, who were selected, have, thereafter, been continued also. He submits that one Savyasachi Kumar Pandit was removed and one vacancy has arisen against which he could be considered as he is the second person in the merit list.

4 There is no such merit list on the record. The vacancy caused on account of termination or removal of Savyuasachi Kumar Pandit in the year, 2012 was required to be filled up afresh. That also, if the respondent still required any contractual persons in his place.

5 No such direction can be issued in favour of the petitioner on account of that vacancy, as same was subject to consideration by the authorities in terms of the order dated 02.04.2013 passed in CWJC No 5489 of 2013.

6 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.07.2019
Transmission Date	NA

