

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13682 of 2014

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C. Ram Kumar Son of Chhedi Paswan Resident of Village Simari Goth, P.S.
Raj Nagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Health Society Bihar and Ors
2. The Executive Director, the State Health Society, Bihar, Parivar Kalyan Bhawan, Sheikhpura, Patna-
3. The District Magistrate, Madhubani cum Chairman District Health Society, Madhubani.
4. The Civil Surgeon Cum Member Secretary, District Health Society, Madhubani.
5. Raj Narayan Paswan Son of Uttimlal Paswan resident of Banaur, P.S. Rajnagar, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Respondent/s : Mr.Kishore Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-07-2019 Heard counsel for the petitioner and counsel for the respondent nos.1 and 2.

Respondents- State Health Society brought out advertisement for appointing accountants for all 149 first referral units in the State of Bihar on contractual basis for the period of one year. Petitioner along with others applied in response to the said advertisement. Petitioner's claim was for appointment in Madhubani wherein there were seven vacancies. It is case of the petitioner that one Raj Narayan Paswan having 29.2 total marks was selected for Sub divisional hospital at



Jhanjharpur under scheduled castes category. Petitioner claims being second to Raj Narayan Paswan for Madhubanil by virtue of his total mark being 27.3. Said Raj Narayan Paswan was rightly selected contractually for one year on 13.05.2013. Raj Narayan Paswan had also joined pursuant to his selection.

It is submitted by counsel for the petitioner that Raj Narayan Paswan resigned in March, 2014 i.e. just two months before end of the contractual period. Therefore, petitioner being second in terms of merit should be considered on the vacancy occurring on account of resignation of Raj Narayan Paswan.

Counsel for the Society submits that contractual appointment was for a period of one year which lapsed just after two months of resignation of Raj Narayan Paswan. Prayer for appointment against the vacancy created by Raj Narayan Paswan in the year 2014 should not be granted by this court in the year 2019. Whether work is still existing or whether appointment is to be made and on what terms and conditions are issues to be considered by the authorities having regard to long gap of time and nature of contractual appointment.

Submissions of counsel for the Society are worth consideration. Apart from that this court would observe that vacancy occurring on account of resignation of Raj Narayan



Paswan cannot be filled up from earlier result, if respondents require a person for the said work then selection/ appointment is required to be made afresh. Claim in writ petition is devoid of merit.

Writ petition stands dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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