

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6400 of 2019

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Sardul Hassan Khan, S/o Mainudin Khan, aged about 63 years, Male, R/o Vill-Sultanpur, P.S. Sahadei Bujurg, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner and Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. Deputy Director, Health Services (Tuberculosis), Government of Bihar, Patna-6.
3. Director, Tuberculosis Centre, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Respondent/s : Mr. Ajay Behari Sinha, G.A.-8

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 23-04-2019

Counter affidavit has been filed during the course of argument.

2. Let the same be taken on record.

3. Heard Mr. Deepak Kumar, learned Advocate for the petitioner and Mr. Ajay Behari Sinha, learned G.A.-8.

4. The petitioner has approached this Court for a direction to the respondents to consider his case for re-



engagement in terms of the judgment passed by Hon'ble the Supreme Court in *Ashwini Kumar & Ors. Vs. The State of Bihar & Ors.*; (1197) 2 SCC 1 and after his appointment, he be directed to be paid all consequential benefits.

5. It appears from the records that the petitioner was appointed as Class-IV employee in District Tuberculosis Centre, Siwan and worked for about 11 years, when in the year 1993, his services were terminated.

6. The petitioner has approached this Court after about 26 years of his termination.

7. It further appears from the counter affidavit which has been filed today that several such appointments in Tuberculosis Centres, which were made by a particular Director, was set-aside as being totally in breach of the appointment rules. Considering the appointments by the aforesaid Director to be through backdoor, the termination orders of such appointees were upheld till the Apex Court.

8. Three of the orders passed by this Court, which have been brought on record by way of Annexures A, B and C respectively in the counter affidavit, disclose that



cases of similarly situated persons who had rendered services in the Tuberculosis Centres for a long time were also dismissed.

9. For the reasons that the petitioner has approached this Court after 26 years of his termination and the cases of the other similarly situated employees have been dismissed, this Court is not inclined to entertain this writ petition.

10. The writ petition is accordingly dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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