

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6960 of 2019

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Suresh Prasad, Son of Sri Ramakant Prasad Resident of Village and P.O.-
Lawapur, P.S.-Mahnar, District Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Government of Bihar, Patna
2. The Director in Chief (Disease Control), Health Services, Bihar, Patna
3. Civil Surgeon cum Chief Medical Officer, West Champaran, Bettiah
4. Dr. Vijay Kumar, Incharge Medical Officer, Primary Health Centre,
Chanpatia, West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shiv Kumar

For the Respondent/s : Mr.Pankaj Kumar (SC12)

Mr. Kamlesh Kishore, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 06-05-2019

1. Heard the learned counsel for the petitioner and
the State.

2. The petitioner, who is a Laboratory Technician, had
initially filed the writ petition for directing the respondent
authorities to pay the salary of the petitioner from June 2018



till the time he has not been paid but it appears that some confusion has arisen with respect to the validity of his appointment.

3. Learned counsel for the petitioner has submitted that the Civil Surgeon-cum-Chief Medical Officer, West Champaran at Bettiah has unnecessarily been asking from him the documents to confirm that the petitioner was actually appointed as a Laboratory Assistant and after working in a district, which now falls in Jharkhand, was transferred to Bihar after the reorganization of the two States. When this controversy arose, it is the case of the petitioner, all the documents relating to his appointment; his being relieved for joining at current place of posting and other documents indicating that he has rendered his services and has been paid on a regular basis, was furnished before the Director-in-Chief, Health Services. No further notice was issued to him but during the pendency of this writ petition another order was passed restraining the petitioner from rendering any work till the time it is not confirmed that the appointment of the petitioner is valid. Salary of the petitioner has also been stopped.



4. From the records of the case, it appears that the petitioner has furnished every document which he is in possession of, in support of the claim that he was appointed as Laboratory Assistant in the year 1999 and after working for some time, he was relieved in the year 2011 to join before the Director-in-Chief, Health Services.

5. The petitioner has also brought on record the document indicating that he was posted at Bettiah in the office of the Civil Surgeon, where he had joined way back in the year 2011 and was being paid till 2018. It appears rather surprising that only because of two letters, one of his being transferred to the State of Bihar and other sending him for training in school were issued by the same authority on the same day, the Civil Surgeon-cum-Chief Medical Officer, Bettiah has doubted the genuineness of the appointment of the petitioner.

6. The petitioner has already furnished every document which he is in possession of before the Director-in-Chief of the Health Services. It is the responsibility of the Director-in-Chief, Health Services to apprise the Chief Medical



Officer-cum-Civil Surgeon, Bettiah about the service of the petitioner.

7. It appears rather surprising and queer that without there being any genuine reason for doubting the correctness of the appointment of the petitioner as Laboratory Assistant such an issue has been raised by the Chief Medical Officer-cum-Civil Surgeon, West Champaran, Bettiah. Before ascertaining the real fact, the petitioner has been, in a most unceremonious manner, withheld from rendering his service and is not being paid his salary. The matter could have easily been resolved by seeking instructions/direction from the office of Director-in-Chief, Health Services, which does not appear to have been done.

8. The dilatory manner in which the matter is being handled by the Chief Medical Officer-cum-Civil Surgeon is not appreciated. However, without any response from the Director-in-Chief of the Health Services, it would not be proper for this Court to make any comment on his conduct.



9. The petitioner would otherwise only be interested in having the matter resolved and the decision taken about the status of his appointment.

10. For the aforesaid purposes, the petitioner is directed to make a fresh representation before the Director-in-Chief, Health Services (Respondent No. 2), indicating to him that his appointment on the post of Laboratory Assistant has been doubted unnecessarily, who on receipt of the representation and perusal of the service records of the petitioner, shall communicate the real state of fact with respect to the validity of the appointment of the petitioner to the Civil Surgeon-cum-Chief Medical Officer, West Champaran so that the restraining order could be lifted as early as possible.

11. Should such a representation be filed before the Director-in-Chief (Disease Control), Health Services, Bihar, Patna (Respondent No. 2) within a period of two weeks, necessary communication/order shall be made/passed within a further period of two weeks thereafter. In case it is found that the services of the petitioner was transferred to Bihar in the year 2011 and that he had been working since then, necessary



explanation also be sought from the Chief Medical Officer-cum-Civil Surgeon, West Champaran, Bettiah about the reason for his doubting the appointment of the petitioner and pass other necessary/sequel orders he may consider appropriate in the facts and circumstances of the case.

12. With the aforesaid observation/direction, this petition as well as the I. A. No. 1 of 2019 stand disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	08.05.2019
Transmission Date	

