

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9442 of 2011

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Ashok Kumar, son of Sri Bajir Mahto, resident of Village – Singar Hat, Police Station – Sohsarai in the district of Nalanda

... .. Petitioner/s

Versus

- 1 The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna
- 2 The Director-in-Chief, Health Services, Government of Bihar, Patna
- 3 The Deputy Director, Health Services, Government of Bihar, Patna
- 4 The Regional Deputy Director, Health Services, Magadh Division, Gaya
- 5 The Additional Collector, Magadh Division, Gaya
- 6 The Civil Surgeon -cum- Chief Medical Officer, Jehanabad
- 7 Member, Justice Uday Sinha, One Man Enquiry Committee, 42 Harding Road, Patna
- 8 The Incharge Medical Officer, Primary Health Centre, Ratni Faridpur in the district of Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Sunil Kr, Ranjeet Kr, Advocates
For the Respondent/s : Mr Jay Prakash Sharma, AC to GP XXI

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 08-07-2019

Heard learned counsel for the petitioner and the respondent-State.

Petitioner was Grade IV employee of the Health Department. His services were terminated. The termination was challenged by the petitioner in writ proceedings. Since many, like the petitioner, were terminated, LPA No 523 of 2001 was preferred by the State against the orders passed on the various writ petitions. Petitioner's case was also taken up as an analogous case. The



Division Bench had referred the issue for consideration before a One Man Committee. The Committee, as per the stand taken in the counter affidavit, upon scrutiny of the claim of various persons including the petitioner, has placed the appointment of the petitioner in the category of illegal appointments.

The said stand of the State in the counter affidavit, copy of which was served in 2014 stands uncontroverted till date. There is no rejoinder or any reply to the counter affidavit.

In view of the uncontroverted stand regarding the appointment of the petitioner being illegal, there is no scope for this Court to exercise jurisdiction in favour of the petitioner.

Writ petition stands dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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