

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15906 of 2011

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RAJENDRA PRASAD S/O Sri Prabhulal Prasad @ Prabhulal Yadav R/O
Village- Chapradhi, P.O.- Kuar, P.S.-Khajauli, District- Madhubani

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through Chief Secretary, Government Of Bihar, Patna
2. The Secretary Department Of Health Department, Medical Education And Family Welfare, Government Of Bihar, Patna
3. The Director-In-Chief Health Services, Government Of Bihar, Patna
4. The State Leprosy Eradication Officer, Bihar, Patna
5. The Civil Surgeon-Cum-Chief Medical Officer, Saharsa

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the State : Mr. Ranjan Kumar, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 09-09-2019 Heard learned Counsel for the petitioner and the learned
Counsel for the respondent State.

Petitioner has assailed the order passed by Civil Surgeon -cum Chief Medical Officer, Madhepura terminating his services. He has also assailed the findings and order passed by one man enquiry committee which examined legality of petitioner's appointment pursuant to order passed in LPA No. 747 of 2010. Reference to the one man committee as per order dated 22.4.2010 passed in LPA No. 747 of 2010 is with concession of the parties including the petitioner.

Having conceded for scrutiny into legality of his appointment before one man committee, the petitioner's contention that the committee was not competent to examine the claim is not



tenable in the eyes of law.

The committee has recorded its findings after due opportunity to the petitioner who was represented by an Advocate in the proceedings before the one man committee. Petitioner's appointment in 2001 was on the recommendation of the Chief Minister and having regard to such appointment being made merely on the basis of recommendation of Chief Minister and Speaker the appointment was held to be a back door entry into service.

Having recorded the aforesaid fact petitioner's initial appointment was categorised as "illegal appointment" and as such the same do not merit any consideration. Termination of petitioner's services holding the appointment to be illegal was not interfered by one man committee. For the said reason this Court would not interfere with the order. Having obtained appointment on the recommendation of Chief Minister and Speaker the petitioner submitted before the committee that on account of his long continuance his services should not be interfered with. Mere long continuance cannot be a ground, more so when the entry itself is in a manner which is in violation of Articles 14 and 16 of the Constitution of India and on the recommendation of Chief Minister and Speaker.

In the circumstances, petitioner's reliance placed on order in LPA No. 604 of 2010 is also of no avail having regard to the fact that his initial appointment itself was illegal.

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

(Madhuresh Prasad, J)

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