

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 4296 of 2016

Arising out of

Miscellaneous Jurisdiction Case No. 2023 of 2011

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Sanjay Kumar, Son of Sri Ramnandan Singh, Resident of Village- Sabdalpur,
Police Station- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. R. K. Mahajan, the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. Dr. Azad Hind Prasad, the Director-in- Chief, Health Services, Government of Bihar, Patna.
3. Dr. Vinay Kumar Yadav, the Regional Deputy Director, Health Services, Magadh Division, Gaya.
4. The Department Inquiry Committee, through Dr. Surendra Prasad, the Chairman-cum- Director in Chief, Health Services, Government of Bihar, Patna.
5. Dr. Srinath Prasad, the Civil Surgeon-cum- Chief Medical Officer, Nawada.
6. Dr. B.N. Chaudhary, Incharge Medical Officer, Rajauli in the District of Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar and
Mr. Abhishek Anand, Advocates

For the State : Mr. S. D. Yadav, AAG 9
Mr. Anil Kumar Verma, AC to AAG 9

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 15-07-2019

Heard learned counsel for the petitioner and learned
AAG 9 for the State.



2. The petitioner has alleged violation/non-compliance of the order dated 16.07.2012, passed in MJC No. 2023 of 2011.

3. Petitioner was one of the persons who were appointed in the transaction under which hundreds of persons were appointed and many writ petitions were filed before this Court and the matter also travelled to the Hon'ble Supreme Court. Ultimately, the Hon'ble Supreme Court had categorized three types of appointments. The first being irregular, the second illegal while the third as forged and fabricated. Only with regard to the appointments being irregular, a window was given in terms of the order of the Hon'ble Supreme Court in the case of **Secy. State of Karnataka v. Uma Devi**, reported as **(2006) 4 SSC 1**.

4. From the materials on record, it appears that the case of the petitioner has been found to be illegal and accordingly, he has been terminated by the order of the Civil Surgeon, Nawada as contained in Memo No. 3190 dated 27.12.2013. The said order having been passed after the order which is alleged to have been violated, the Court does not find that there has been any willful or deliberate violation of the order and what action has been taken against the petitioner would clearly give the petitioner a fresh cause of action, which if so advised, he may assail before the



appropriate forum. However, the same cannot be termed to be contempt in any view of the matter.

5. Accordingly, the application stands disposed off with the above observations.

(Ahsanuddin Amanullah, J.)

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