

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5644 of 2011

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Afaq Ahmad Siddiqui son of Qaus Siddiqui, resident of village-Mahtawana,
PS-Phulwarisharif, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna.
2. The Director-in-Chief, Department of Health, Government of Bihar, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar,
Patna.
4. The Executive Director, State Health Society, Patna, Bihar.
5. The Regional Deputy Director of Health Services, Patna Division, Patna.
6. The District Magistrate-cum-Head of District Health Society, District-
Buxar.
7. The Civil Surgeon-cum-Secretary, District Health Society, Buxar
8. The Civil Assistant Surgeon-cum-Chief Medical Officer, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Rajeev Kr. Singh and Mukesh Kr. Singh, Adv.
For the Respondent/s	:	Mr. Girija Shankar Pd., GP-1
		Mr. K.K. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 11-04-2019

Heard learned counsel for the petitioner, State and the
Executive Director of State Health Society, Patna, Bihar.

2. In this case, the petitioner is challenging the action of
Respondent in terminating his service from the post of Data
Assistant. An advertisement was published for appointment of
Data Assistant. In pursuance thereof, the petitioner also applied,
On selection, he was appointed vide Annexure-6 on contract basis
for eleven months on 17.06.2006. The clause 10 of appointment
letter stipulates that the services of the Consultant shall stand



automatically terminated at the expiry of contract period, from time to time, the services of the petitioner was extended, but the last extension was granted to the petitioner, vide agreement dated 20th May 2008. In that contractual appointment, the identical clause has been mentioned in clause 10. The period of appointment has come to end on expiry of eleven months. The petitioner has placed reliance on letter no. 8938 dated 13.01.2009 (Annexure-10) in which it has been mentioned, the power has been conferred to all the Civil Surgeons, they may extend the period of contractual appointment for further period of three years, subject to satisfactory service as Data Assistant. Even presuming the said letter would be applicable even then period has come to an end in 2012, now the period of contract is no longer in existence as the same has been extended further. Hence, the present application has rendered infructuous on account of expiry of period of contract.

3. The learned counsel for the petitioner submits that the respondent had issued an advertisement and one person was selected, but he has tendered his resignation as on today, the post is vacant.

4. This Court does not know the actual situation about the vacancy. If any vacancy is still available, the respondent will be obliged to publish an advertisement for recruitment to the post



in which the case of the petitioner be also considered in accordance with law. The authority will grant relaxation of age to the petitioner in accordance with law.

5. Accordingly this petition is disposed of.

(Shivaji Pandey, J)

mkchy/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

