

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19524 of 2019

Navin Kumar Singh, S/o Nageshwar Prasad Singh, R/o-Vill-Godihari
(Saidpur) P.S.-Gopalpur, Navgachiya, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Executive Director, State Health Society, Pariwar Kalyan Bhawan, Sheikhpura, Patna.
3. The Commissioner, Bhagalpur Division, Bhagalpur.
4. The District Magistrate Cum Chairman, District Health Services, Bhagalpur.
5. The Civil Surgeon Cum Member Secretary, District Health Committee, Bhagalpur.
6. The Controlling Officer, District Vector Borne Disease, Bhagalpur
7. The Medical Officer In-Charge, Primary Health Centre, Gopalpur, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the State	:	Mr. Harendra Kumar, AC to GP-25
For Respondent No. 2	:	Mr. K.K. Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-11-2019 The petitioner is seeking a direction to regularize his service on a vacant and sanctioned Class-IV post at Primary Health Centre, Gopalpur, Bhagalpur in the light of a letter issued by General Administration Department, Government of Bihar dated 02.05.2017 and 30.08.2017 and also in the light of an interim order dated 20.02.2017, passed in CWJC No. 8389 of 2008.

It is stated in the writ application that the petitioner



was initially engaged by Patient's Welfare Committee, Primary Health Centre, Gopalpur (Bhagalpur) by an office order dated 27.09.2011. According to him, he continuously discharged his duties on the basis of his initial engagement till 28th February, 2014. It is the petitioner's own case that he has not been allowed to work after February, 2014. It is his case that he is entitled to certain wages which had remained unpaid for the duties discharged by him up to February, 2014. It is also his case that his services should be regularized against a Class-IV post.

On reading of the writ petition, I do not find that any selection process was undertaken at the time of petitioner's initial engagement. His initial engagement, therefore, cannot be said to be irregular, which could be ordered to be regularized because of petitioner's continuous work thereafter. The petitioner has, thus, not been able to make out a case for this Court to grant him relief as sought for.

It is, however, directed that the Civil Surgeon, District Health Committee, Bhagalpur will examine the case as to whether any amount has remained unpaid to the petitioner for the duties, in fact, discharged by him and pay to him the amount, if the same is found payable, within a period of three months from the date of receipt/ production of a copy of this



order.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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