

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1242 of 2018

In
Civil Writ Jurisdiction Case No.12270 of 2011

=====

Vijay Chaudhary S/o Sri Kedar Chaudhary, Resident of Mohalla- Padowapar,
Ghughari Tand, P.O.- Chand Chowra, P.S.- Civil Line, Distt- Gaya.

... .. Appellant/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 (T.B.) Health Services, Bihar, Patna.
4. The Regional Deputy Director, Health Services Magadh Division, Gaya.
5. Civil Surgeon-cum-Chief Medical Officer, Aurangabad.
6. In-Charge Medical Officer, Primary Health Centre, Nabinagar, Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Navin Kumar, Adv.

For the State : Mr. Nagendra Kumar, A.C. to AAG-IX

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

5 18-02-2020 Heard learned counsel for the appellant and learned
counsel for the State.

In this case, the petitioner is seeking a short relief for
payment of salary from 1993 upto 28.08.2009.

Admittedly, the petitioner was appointed by Dr. A.K.
Mallik and entire appointment has been held to be illegal. The
matter travelled upto the Supreme Court and the issue has been
finalized in the case of **Ashwani Kumar & Ors Vs. State of
Bihar** reported in **1997 (2) SCC 1**. Second effort was made in



C.W.J.C. No. 18447 of 2009 (Umesh Prasad Vs. State of Bihar & Ors.) but nullified in LPA No. 566 of 2010.

The entry of the appellant is through the backdoor is illegal. Admittedly, as per the claim of the appellant, he was not allowed to work after 1993 and for the first time he has approached in the year 2009. A person who entered into service illegally, does not have right to make complaint that he has not been paid salary. During argument, the counsel has submitted though he had discharged his duty but was not allowed to make attendance. There is no material to show that he had worked for the period aforesaid. For a long gap, during that period, did not raise grievance in any manner.

We do not find any force in his argument as well as in the merit of this appeal. Accordingly, the same is dismissed.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

devendra/-

U			
---	--	--	--

