

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23861 of 2019

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Achyut S/o Parasar Sharma Resident of Village- Bidhi Nagar, Barun Colony,
Near Sonu Market, Bailey Road, Gola Road, Danapur, P.s.- Rupaspur, Distt.-
Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Govt. of Bihar, Patna
2. The Regional Director Health Services, Nalanda Division, Nalanda
3. The District Magistrate-cum-Chairman District Health Society, Nalanda
4. The Civil Surgeon cum Member Secretary District Health Society, Nalanda
5. The District Programme Manager District Health Society, Nalanda
6. The Additional Chief Medical Officer Nalanda
7. The Senior Deputy Collector Nalanda
8. The Additional Collector Nalanda
9. Shri Amit Kumar S/o Shri Ashok Kumar Resident of Village- Berauti, P.s.- Deepnagar, District- Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satyavrat Verma
For the State	:	Mr. Mujtabaul Haque (GP 12)
For respondent no.9	:	Mr. Ghanshyam

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 31-01-2020 Heard counsel for the petitioner and counsel for the respondents-State as well as counsel for respondent no.9.

Petitioner is applicant for contractual appointment as Block Health Manager under District Health Department, Nalanda.

Case of the petitioner is that entire process of selection including interview by the Selection Committee concluded under Annexure 2 which is dated 27.11.2018 wherein



petitioner was first and best empaneled candidate having been awarded 62.80 marks.

The allegation is that arbitrarily, result has been varied at the level of the District Magistrate, Nalanda so as to place private respondent no.9 as a first candidate and the petitioner's position has been lowered.

Respondent no.9 was earlier issued notice. Counter affidavit has been filed on his behalf.

Counsel representing respondent no.9 referring to averment made in para 3 of his counter affidavit submits that respondent no.9 has not submitted his joining as now he has no concern with job in question.

Counsel for the petitioner submits that in view of changed circumstance when the respondent no.9 has clearly stated that he has no concern, the petitioner is the first waiting candidate. Accordingly, he seeks a direction to appoint him on contractual basis as admittedly now again there is no claimant for the contractual appointment, better than him.

Since admitted position is that the petitioner is first waiting candidate, this court would expect that authority would proceed further for petitioner's contractual appointment in accordance with law expeditiously and without any undue delay.



Writ petition is disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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