

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1804 of 2018

In
Civil Writ Jurisdiction Case No.4964 of 2017

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Nihar Kant Jha son of Sri Srikant Jha Resident of village-Bhikhanpur,P.S.-
Ishakuchak,Dist.-Bhagalpur

... Appellant

Versus

1. The State Of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt.of Bihar, Patna.
3. The Executive Director, State Health Committee, Bihar,Patna
4. The Divisional Commissioner, Bhagalpur.
5. The District Magistrate cum Chairman, District Health Committee, Bhagalpur.
6. The Civil Surgeon cum Member Secretary, District Health Committee, Bhagalpur.
7. The In charge Medical Officer,Primary Health Centre, Bihpur, Bhagalpur.

... ... Respondents

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Appearance :

For the Appellant : None

For the Respondents : Mr.S.D. Yadav, AAG IX

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

4 10-01-2020 No one appears for the appellant on repeated calls. No one had appeared for the appellant even on the previous date, i.e., 09.01.2020. However, learned counsel for the State is present. In the circumstances, we have no option except to dispose of this appeal on merit in the absence of learned counsel of the appellant.

Appellant is aggrieved by the impugned order dated



03.12.2018, passed by the learned Single Judge in C.W.J.C.No. 4964 of 2017, by which and whereunder the learned Single Judge dismissed the aforesaid writ petition taking note of this fact that the appellant was appointed on contractual basis and the period of contract had already been expired.

Admittedly, the appellant was contractual employee and he was put behind bar in a vigilance case. Subsequently, when he was released from the jail custody, he went to join his assignment but he was not allowed to join his assignment. Learned Single Judge noticed that the period of contract had already been elapsed. Learned Single Judge has further observed that the appellant has no right to compel the concerned authorities to allow him to join his assignment.

We do not find any illegality or irregularity in the findings of the learned Single Judge, contained in impugned order dated 3.12.2018, and therefore, we have no option except to dismiss this appeal. Accordingly, this appeal stands dismissed.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

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