

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10685 of 2019

1. Diwakar Kumar S/o Sakheechand Mahto, Permanent Address- at Chilmil Tola, P.S.- Mufasil, District- Begusarai, presently residing at C/o Bhushan Jee, Sakuntala Kunj, Subhkarmana Colony, East Laxminagar, P.S.- Ramkrishna Nagar, Patna presently posted as Dresser in O.T.- 4, Patna Medical College and Hospital, Patna.
2. Ajay Kumar, S/o Suryabansh Singh, presently residing at C/o, Mohalla-Janta Lodge, Bihari Sao Lane, P.S.- Pirbahor, District- Patna, presently posted as Dresser in the Department of Plastic Surgery (Warn Ward), Patna Medical College and Hospital, Patna.
3. Ramesh Prasad, S/o Ram Jatan Kanu, resident of C/o Ram Bachan Prasad, Kankarbagh, Janta Path Road, Near Bachchan Kirana Store, District- Patna, presently posted as Dresser in Burn Ward Patna Medical College and Hospital, Patna.
4. Ravi Ranjan Kumar, S/o Kapil Deo Thakur, presently residing at C/o House of Suryadev Prasad, Bahadurpur housing Colony, Sector-07, Block-8, Flat No.-22, Kankarbagh, P.S.- Agamkuan, District- Patna, presently posted as Dresser in O.T.-2, Patna Medical College and Hospital, Patna.
5. Premlata Kumari, W/o Niraj Kumar, resident of Prasad Bhawan, East Ram Krishna Nagar, Patna, presently posted as Dresser in R.S. Ward, Patna Medical College and Hospital, Patna.
6. Munni Devi, W/o Late Promod Sah, presently residing at C/o Bachchu Rajak, Mohalla- Mahendru, Near Malariya Office, P.S.- Sultanganj, District- Patna, presently posted as Dresser in the Department of Surgical I.C.U. Patna Medical College and Hospital, Patna.
7. Pushpa Rani, W/o Purshottam Das, presently residing at - C/o Sitabji, Dariyapur, Mohar Tola, P.S.- Kadamkuan, District- Patna, presently posted as Dresser in Female O.T. (Gayni) Patna Medical College and Hospital, Patna.
8. Madhaw Murari Singh, S/o Baban Singh, presently residing at C/o, Mohalla-Janta Lodge, Bihari Sao Lane, P.S.- Pirbahor, District- Patna, presently posted as Dresser in the Department of Plastic Surgery (Warn Ward), Patna Medical College and Hospital, Patna.
9. Romeo Sunil Kumar, S/o Krishna Pandit, resident of Village- Usri, P.O. Sikarpur, P.S.- Shahpur, District- Patna, presently posted as Dresser in O.T.- 2, Patna Medical College and Hospital, Patna.
10. Pinki Kumari, W/o Mukesh Kumar, resident of Rajendra Nagar, Road No. 15, Kankarbagh, District- Patna, presently posted as Dresser in M.N. Ward, Patna Medical College and Hospital, Patna.
11. Bibha Kumari, W/o Late Shashi Bhushan Prasad, resident of House No. 679, Lalit Niketan Colony, Kali Mandir Road, Hanuman Mandir Road, Patna- 20, presently posted as Dresser in the Dept. of E.N.T- O.T. Patna Medical College and Hospital, Patna.
12. Rekha Kumari, W/o Abdhesh Paswan, resident of Prasad Bhawan, East Ram Krishna Nagar, Patna, presently posted as Dresser in O.T.- 1, Patna Medical



College and Hospital, Patna.

13. Putul Kumari, D/o Ramadhar Manjhi, resident of Telpa House, Bhawar Pokhar, Vijay Gopal Banarge Path, P.S.- Pirbahore, District- Patna, presently posted as Dresser in C.H.O.T, Patna Medical College and Hospital, Patna.
14. Vinni Kumari, presently residing at Bhawar Pokhar, Behind Khetan Market, P.S.- Pirbahore, District- Patna, presently posted as Dresser in Lebor O.T., Patna Medical College and Hospital, Patna.
15. Arpana Kumari, D/o Krishnadeo Prasad Vishwkarma, presently residing at- C/o Bachchu Rajak, Mohalla- Mahendru, Near Malariya Office, P.S.- Sultanganj, District- Patna, presently posted as O.T. Assistant in the Department of Eya O.T. Patna Medical College and Hospital, Patna.
16. Sangeeta Kumari, W/o Rajnish Kumar Arya, resident at East Ashochak, P.O.- Laxminagar, P.S.- Ramkrishna Nagar, District- Patna, presently posted as X-Ray Technician, Department of Radiology, Pediatric (NICU), Patna Medical College and Hospital, Patna.
17. Prabhat Priyakinkar, S/o Deonandan Mahto, resident of Sundarpur, P.S.- Dharhara, District- Munger, presently posted as Dresser in Neuro O.T., I.G.C.C. Patna Medical College and Hospital, Patna.
18. Subhash Kumar, S/o Harinath Prasad, resident of Dr. Narayan Prasad Lane, Math Laxmanpur, P.S.- Alamganj, District- Patna, presently posted as Dresser in R.S.B. O.T. No. 5, Patna Medical College and Hospital, Patna.
19. Chandan Kumar, S/o Sudama Singh, resident of Village- Karma, Post- Karma, Via- Nasriganj, P.S.- Karakat (Gorari), District- Rohtas, presently posted as Dresser in R.S.B. O.T. No. 3, Patna Medical College and Hospital, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in-Chief (Administration), Health Services, Govt. of Bihar, Patna.
4. The Superintendent, Patna Medical College and Hospital, Patna.
5. The Principal, Patna Medical College and Hospital, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bhawani Sharma, Advocate
For the Respondent/s : Mr. Niraj Kumar, AC to GA10

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 30-11-2021

Heard the learned counsels for the parties.



2. In the instant petition, petitioners have prayed for following reliefs:-

(I) For issuance of an appropriate writ in the nature of Certiorari for quashing the Memo No. 623(4) dated 26.04.2019 (Annexure-8) and Memo No. 5536 dated 29.04.2019 with respect to the petitioners issued under the signature of respondent no. 3 and 4 respectively by which the appointment of the petitioners has been terminated without issuance of any notice and without giving opportunity of hearing contrary to the conditions laid down in the advertisement as well as appointment letter of the respective petitioners and also in contravention of law laid down by the Hon'ble High Court.

(II) For issuance of an appropriate writ in the nature of Mandamus Commanding and directing the respondent Authorities to re-instate the petitioners in service on the post they have been appointed with consequential benefit thereupon.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

3. Petitioners were stated to have been appointed on contract basis on 10.03.2018 for a period of one year which has been cancelled on 26.04.2019. The concerned respondent has taken a decision to terminate the services of the petitioners.

4. Feeling aggrieved and dissatisfied by the order 26.04.2019, the petitioner presented this petition on the sole ground that order of termination is with reference to allegations.



In such an event, petitioners are entitled to notice and other formalities of holding a domestic enquiry.

5. Per contra, learned State counsel submitted that there is no infirmity in the order of termination dated 26.04.2019 since the initial appointment of the petitioners is for a period of one year. The petitioners' services has not been extended on 09.03.2019. Therefore the petitioners have not made out a case.

6. Undisputed facts are that the petitioners had appointed on 10.03.2018. Their services have been terminated on 26.04.2019 with certain allegations.

7. Perusal of the order of termination dated 26.04.2019, it is crystal clear that it was for a period of one year. Petitioners services have not been extended on 09.03.2019.

8. In the light of these facts and circumstances, petitioners have not made out a case to interfere with the order dated 26.04.2019.

9. Learned counsel for the petitioners has relied C.W.J.C. No. 1989 of 2016. Aforesaid decision is distinguishable having regard to the nature of appointment order issued to the petitioners in the present case dated 10.03.2018 in which it is stipulated that the tenure as one year or extended.



10. Petitioners have not been extended. Aforesaid decision do not assist the petitioners.

11. Accordingly, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.12.2021
Transmission Date	

