

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1385 of 2019**

**In**  
**Civil Writ Jurisdiction Case No.14829 of 2014**

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Sangita Devi, Wife of Sri Hari Krishna Singh, Resident of Village-  
Chirailidih, PO- Chiraili Bazar, P.S.- Khijarsarai, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary Health Department,  
Government of Bihar, Patna.
2. The Director-in-Chief, Health Services, Bihar, Patna.
3. The Civil Surgeon - Cum Chief Medical Officer, Jehanabad.
4. The Civil Surgeon- cum - Chief Medical Officer, Gaya.
5. The In-charge Medical Officer, Primary Health Centre, Jehanabad.

..Respondents . ... Respondent/s

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**Appearance :**

|                      |   |                                                               |
|----------------------|---|---------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Dinu Kumar, Advocate<br>Mr. Arvind Kumar Sharma, Advocate |
| For the Respondent/s | : | Mr. S.D.Yadav (Aag9)                                          |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 17-03-2021**

Heard learned counsel for the parties.

The challenge is to the order dated 17.10.2019 passed  
in C.W.J.C. No.14829 of 2014 (Sangita Devi Versus the State of  
Bihar & Ors.).

In view of the judgment rendered by the Hon'ble  
Apex Court in Civil Appeal No.7879 of 2019 arising out of SLP  
(Civil) No.11885 of 2012 (The State of Bihar & Ors. Versus  
Devendra Sharma) with other analogous cases, we find no merit



in the present appeal and, as such, dispose of the same, also for the reason that even otherwise the judgment rendered by the learned Single Judge is based on correct and complete appreciation of facts on record.

The petitioner filed the writ petition but did not challenge the order of termination, as is evident from the findings in paragraph 14 of the impugned order. Even otherwise, now Hon'ble the Apex Court in the case of **State of Bihar & Ors. Versus Devendra Sharma (supra)** has clarified that no person would be entitled for the benefit of rendering continuous service, if the appointment is *per se* illegal/de hors the relevant provisions, which fact is undisputed before us.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Sanjay/-

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