

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5696 of 2021**

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Hare Krishna Nayak Son of Late Mahavir Nayak Resident of Village Pako-  
hawa, Police Station Kusheshwarsthan, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-Cum-Secretary, Health De-  
partment, Government of Bihar, Patna.
2. The Chief Malaria Officer, Bihar, Patna.
3. The Civil Surgeon-Cum-Chief Medical Officer, Darbhanga.
4. The District Malaria Officer, Darbhanga.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ravindra Nath Dubey, Advocate  
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

**Date : 31-03-2022**

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the fol-  
lowing reliefs: -

*“For issuance of writ/writs,  
order/orders, to direction/directions to the  
respondent to consider the case of the peti-  
tioner in the light of the order passed in  
C.W.J.C.No. 573 of 2004 and examine the  
case of the petitioner in the light of the order  
passed in C.W.J.C. No. 1542 of 2016 be-  
cause the similarly situated persons have  
been of taken back in service and the case of  
the petitioner has not been examined by the  
respondent still the date without considering  
the facts that the petitioner is working under  
the since about 2 decades, the respondents*



*termination order has been passed without giving any proper opportunity and without considering that the similarly situated persons are still working under the respondents and several persons have already been taken back in service alter the order of the Hon'ble Patna High Court and further for any other relief/ reliefs as this Hon'ble Court may deem fit and proper for the ends of justice.”*

Petitioner's services were terminated in the year 2003.

Feeling aggrieved and dissatisfied with the order of termination petitioner presented CWJC No. 573 of 2004 and it was decided on 01.12.2009. It is to be noted that this Court has not interfered with the order of termination. Para 13 of the order reads as under:-

*“13. Petitioner submits that he will file a representation before the respondents to consider his case on compassionate ground and sympathetically for his re-engagement/reinstatement in view of the orders passed in different cases by this Court. Petitioner will be at liberty to do so and if he files such a representation, the respondents will be at liberty to consider the same.”*

In the light of the aforesaid order the petitioner has presented this petition once again seeking direction to consider representation read with termination order issued by the competent authority/forum. The petitioner is not entitled for a direction in terms of the earlier order. That apart petitioner slept over the matter from



01.12.2009, in fact he should have questioned termination at the earliest.

Accordingly, the present petition stands dismissed.

**(P. B. Bajanthri, J)**

Vikash/-

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