

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18314 of 2018

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Nitindra Kumar Tyagi, Son of Sri Ramadhar Sharma, Resident of Village -
Bishunpur, PS - Alipur, District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Health Department
Government of Bihar, Patna
2. The State Health Society, Bihar through Executive Director, Family Welfare
Building, Sheikhpura, Patna
3. The Executive Director, State Health Society, Family Welfare Building,
Sheikhpura, Patna - 800014.
4. The District Health Society through District Magistrate-cum-Chairman,
Gaya.
5. The District Magistrate-cum-Chairman, District Health Society, Gaya.
6. The Civil Surgeon-cum-Secretary, District Health Society, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Dinu Kumar, Advocate Ms. Ritika Rani, Advocate
For the State	:	Mr. Vijaya Laxmi Srivastava, AC to S.C.-23
For State Health Society:	:	Mr. K.K. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 30-11-2022

The position which factually emerges from the records is that the petitioner worked as Accountant on contract basis in the District Health Society, Gaya for nearly eight years. He was thereafter implicated in a criminal proceedings arising out of Konch P.S. Case No.252 of 2017 at the instance of a female employee. It is under such circumstance that the Civil Surgeon sought an explanation from the petitioner. Petitioner's contract



thereafter was terminated by an order of the District Magistrate-cum-Chairman of the District Health Society, Gaya.

2. Mr. Dinu Kumar, learned counsel for the petitioner submits that the explanation was called for by the Civil Surgeon and the order has been passed by the District Magistrate. Therefore, there is failure of the principles of natural justice.

3. Mr. K.K. Sinha, learned counsel appearing for the State Health Society, on the other hand, submits that from the order of the District Magistrate, it is apparent that the petitioner was heard on 21.11.2017 by the District Magistrate before the petitioner's contract was terminated.

4. One fact which is not in dispute is that the petitioner's appeal against the order of the District Magistrate is pending before the Respondent No.3 for the last nearly five years.

5. Since pendency of the appeal itself has assumed penal proportion for the petitioner on account of an indefinite bar imposed by the impugned order on his contractual employment in future, this Court would dispose of the writ petition with liberty to the Respondent No.3 to pass appropriate order on his appeal expeditiously. This Court, while doing so, clarifies that the order of the District Magistrate-cum-Chairman, District Health Society



dated 24.11.2017 shall not cast any stigma on the petitioner for his prospects otherwise.

(Madhuresh Prasad, J)

PNM

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

