

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.98 of 2022

In

Civil Writ Jurisdiction Case No.7282 of 2020

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1. The State of Bihar through the Principal Secretary Department of Health, Govt. of Bihar, Patna.
 2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
 3. The Joint Secretary, Department of Health, Govt. of Bihar, Patna.

... .. Appellant/s

Versus

1. Dr. Vikash Kumar Son of Late Umakant Tiwari Resident of Near Raghubir Sadan, New Chandmari, P.S.- Motihari Town, District- East Champaran.
2. Dr. Ritesh Kumar Singh Son of Chandra Madhav Singh Resident of Civil Line, Bari Bazar, P.S.- Buxar, District- Buxar.
3. Dr. Amit Kumar Pandey Son of Shri Kedar Nath Pandey Resident of Village- Dhanibar, P.S.- Ambar, District- Aurangabad.
4. Dr. Rahul Singh Son of Pramod Prasad Singh Resident of Bishwanath Nagar, P.S.- Town Thana, District- Begusarai.
5. Dr. Alok Ranjan Son of Bishwanath Singh, Resident of Near Kali Asthan at Pokharia, P.S.- Begusarai, District- Begusarai.
6. Dr. Nafees Ahmad Son of Atiqur Rahman Resident of Mohalla- Baswaria, Michael Colony, P.S.- Bettiah, District- West Champaran.
7. Dr. Zaryab Azam Son of Farooque Azam Resident of Mohalla- Belbanwa, P.S. Motihari Town, District- East Champaran.
8. Dr. Sudhanshu Shekhar Mishra Son of Dr. Indra Deo Mishra Resident of Ramdas Bagahi, P.S.- Kateya, District- Gopalganj.
9. Dr. Sneha Bursha Wife of Dr. Rajeev Kumar, Resident of Club Road Near Sai Mandir, P.S.- Town Thana, District- Aurangabad.
10. Dr. Kamleshwar Pandey Son of Dr. Devidutta Pandey, Resident of Kopa, P.S.- Kopa, District- Saran (Chapra).
11. Dr. Murari Sharan Son of Late Swaminath Tiwari Resident of New Bus Stand Road, P.S.- Bettiah, District- West Champaran.
12. Dr. Awanish Dhawaj Singh Son of Late Upendra Dhawaj Singh, Resident of Mohalla- Reli Bazar, Ram Nagar, P.S.- Ram Nagar, District- West Champaran.
13. Dr. Md. Fakharuddin Son of Late Abul Fatah Resident of Wahida Mansion, Balua Tal, P.S.- Town Thana, District- East Champaran.
14. Dr. Dinesh Kumar Son of Shri Bishwanath Prasad Resident of Indra Nagar, Near Swaraj Tractor Agency, P.S.- Chhatauni, District- East Champaran (Motihari).
15. Dr. Amit Kumar Son of Dr. Tripurari Charan, Resident of Near Sant



Augustin School, West Lohanipur, P.S. Kadamkuan, District- Patna.

16. Dr. Sharique Raza Son of Quaim Raza Resident of Mohalla- Urdu Bazar, P.S.- Laheriya Sarai, District- Darbhanga.
17. Dr. Prakash Ranjan Son of Late Sahdeo Singh Resident of Kapasiya, P.S.- Mufassil Town, District- Begusarai.
18. Dr. Kunal Kant Son of Dr. Rama Kant Tiwari Resident of Pipra Station, P.S.- Pipra (Motihari), District- East Champaran.
19. Dr. Priyaranjan Kumar Son of Krishnandan Chaudhary Resident of Purani Bazar Chowk, Shukla Road, Sita Market, P.S. Town Thana, District- Muzaffarpur.
20. Dr. Vivek Kumar Son of Akhilendra Deo, Resident of Majhauriya Road, P.S.- Kaji Mohammadpur, District- Muzaffarpur.
21. Dr. Zeyauddin Ahmad Son of Late Wazir Hassan, Resident of Ward No. 24, House No. 397, Shiv Nagar, Opposite Railway Station, P.S. and District- Gopalganj.
22. Md. Azhar @ Dr. Azhar Iqbal Son of Dr. Moizuddin Resident of Mashraf Chowk, Ward No. 38, Saharsa Basti, P.S. Saharsa, District- Saharsa.
23. Dr. Rajesh Ranjan Son of Prabhakat Thakur Resident of Aurahi, P.S.- Barahara Kothi, District- Purnea.
24. Dr. Ghazanfar Ali Son of Zafar Ahmad Khan Resident of Near Khan Lodge, Mohalla- Faizullah Khan, P.S.- Laheriya Sarai, District- Darbhanga.
25. Dr. Arvind Kumar Singh Son of Thakur Singh Resident of Nai Basti Mahadeva, P.S. and District- Siwan.
26. Dr. Shyam Kishore son of Mohan Prasad Singh Resident of Chakumar, P.O.- Adalpur, Singhara, Buzurg, P.S.- Dishiauta, District- Vaishali.
27. Dr. Nishant Kumar Bhaiya Son of Shri Pradeep Kumar Bhaiya Resident of Sai Nilayam Apartment, Flat-1B, Police Colony, Anisabad, P.S.- Gardanibagh, District- Patna.
28. Dr. Bibhuti Anand Son of Shree Chandra Prakash Jha Resident of Mithila Colony, Road No. 14-A, P.S. Rajiv Nagar, District- Patna.
29. Dr. Putul Kumari Wife of Dr. Pawan Mishra, Resident of Sahjanand Nagar, Matihani Road, Hemra, P.S. Town Thana, District- Begusarai.
30. Dr. Saurabh Kumar Son of Ajay Kumar Sinha Resident of B.D.O., Block Road, Ara, P.S.- Nawada, District- Bhojpur.
31. The Executive Director, Bihar State Health Society, Sheikhpura, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Behari Sinha, GA 8 Mr. Suryakant Kumar (A.C. To G.A.8)
For the Respondent/s	:	Mr.P.K. Shahi, Sr. Advocate Mr. Vikas Kumar, Advocate



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

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 16-08-2022

Heard learned counsels for the respective parties.

In the instant appeal, the appellants-State have questioned the validity of the learned Single Judge order dated 08.10.2021 passed in CWJC No. 7282 of 2020 along with the connected matter. The learned Single Judge passed the following order in para 26 which reads as under:-

“26. With the aforesaid observations, the Court directs the Additional Chief Secretary, Health Department, Government of Bihar to take a final decision on the question of engagement of the petitioners and other similarly situated persons on contractual basis by allowing them to continue against posts of Dentists, which are vacant, after completion of the process of selection. Such decision must be taken within one month from the date of receipt/production of a copy of this order.”

Undisputed facts are that respondents were appointed on contract basis to the post of Dentist. While working as such Bihar Public Service Commission advertised 571 posts of Dentists. The respondents have participated in the process of selection and appointment and



they were unsuccessful as their names were not reflected in the order of appointment issued in the month of December, 2019. The selecting and appointing authority have not filled up 73 Dentists post and it is required to carry forward to the next recruitment in terms of the State policy decision. However, the respondents were appointed on contract basis to the post of Dentists which were not filled up even to this day.

In the light of learned Single Judge's order read with the policy decision of the State Government dated 17.09.2018 to continue such post on contract basis till next recruitment takes place is to be taken note of for the purpose of respondents to the post of Dentist on contract basis.

We find no infirmity in the order of the learned Single Judge. Therefore, the concerned selecting and appointing authority is hereby directed to continue service of the respondents on contract Dentist who were already working on contract basis till regular recruitment takes place. The appellant-selecting and appointing authority to the post of Dentist is hereby directed to proceed to recruit remaining 73 Dentists Post within a reasonable period of six months time.



With the aforesaid observations, the Letters Patent
Appeal No. 98 of 2022 stands disposed off.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

