

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 241 of 2018

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Dr Yashwant Singh Son of Late Nagendra Narayan Singh, Resident of
Village- Mahisauri, P.S.- Jamui, District- Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar -cum-
Chief Person of Bihar State Health Society
2. The State Health Society, through the Executive Director, Parivar Kalyan
Bhawan, Sheikhpura, Patna.
3. The Collector-cum-Chairman, District Health Society, Jamui.
4. The District Magistrate-cum-Collector, Jamui.
5. The Civil Surgeon-cum-Chief Medical Officer, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Sanjay Kumar Mishra, Advocate
For the S t a t e	:	Mr Ramadhar Singh, GP XXV
For Respondent No 2	:	M/s K K Sinha, Shashi Shekhar, Advocates

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 02-08-2022

Heard learned counsel for the petitioner, State and the
State Health Society.

2 The petitioner claims that he participated in walk-in-
interview selection procedure for appointment of doctors on
contractual basis conducted by the office of the District Health
Society, Jamui and was declared selected. The order of
petitioner's selection is dated 24.01.2007 (Amnnexure 5).

3 In the aforesaid background, the petitioner had
approached this Court earlier by filing CWJC No 12154 of 2008



for payment of his emoluments pursuant to his contractual appointment for a period of 11 months. This Court allowed the petitioner to file a representation and directed the Collector to verify from the records petitioner's actual period of working and to ensure payment of the admitted amount based thereon.

4 Claim of the petitioner has been rejected by the order passed pursuant to the said exercise by the District Magistrate, Jamui on 20.12.2011. The specific reason, assigned in the order by the District Magistrate, is that pursuant to the petitioner's appointment on 24.01.2007 on contractual basis, he was called upon to submit his document (Bachelor of Medicine and Bachelor or Surgery marks sheet) (for brevity, *MBBS* marks sheet) which he never submitted. It was in this circumstance that the decision was taken at the meeting of the District Health Society that the candidature of such persons, who had not submitted their MBBS marks sheet, shall be cancelled. The same reason has been reiterated in the counter affidavit in paragraphs 6 and 7 wherein specific stand has been taken that the petitioner did not submit his marks sheet of all sessions of MBBS course in the office and, therefore, his candidature was finally rejected. He has not worked for a single day and, therefore, there is no question of making any payment to the petitioner.



5 Petitioner's writ petition does not disclose any document in support of his joining pursuant to the order of appointment dated 24.01.2007 (Annexure 5). The direction of this Court, in the earlier writ petition filed by the petitioner, was to verify his actual working and making payment based on such working. Also there is specific averment of the petitioner, in the writ petition, that he was never posted in any office. Therefore, the admitted position is that the petitioner has never worked.

6 In view of the aforesaid position, there is no occasion for the petitioner to claim any emolument since this Court in CWJC No 12154 of 2008 has restricted his entitlement with reference to number of days he has worked.

7 Writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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