

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.703 of 2021

1. Rajeev Kumar Tiwary son of Rabindra Prasad Tiwary resident of West of Tirhut Academy Ward No. 5, Kashipur, Samastipur- 848101.
2. Baidhnath Kumar Ray son of Late Govind Ray resident of Chaita North Via- Ujarpur, P.S. Angarghat, District- Samastipur- 848132.
3. Deepak Paswan son of Late Chandeshwar Paswan resident of Chaita North Via- Ujarpur, P.S. Angarghat, District- Samastipur- 848132.
4. Pappu Kumar son of Late Govind Ray resident of Chaita North Via- Ujarpur, P.S. Angarghat, District- Samastipur- 848132.
5. Shantu Patel son of Vimlesh Ray resident of Rusulpur, Manikpur Bhandorhan.
6. Pintu Kumar son of Manoj Kumar resident of Kalyanpur Chowk, Ward No. 3, Samastipur 848302.
7. Harishankar Kumar Singh son of Ranjit Singh resident of Naya Tola Hasanpur Juned, Vaishali- 844506.
8. Umesh Chandra Bhatta son of Dharmdev Bhatta resident of Bazidpur, Ward No. 6, Samastipur- 848503.
9. Rajnish Kumar son of Thakan Das resident of Village- Mirzapur, Kalyanpur, Samastipur.
10. Sabir Ali son of Md. Moktar Ahmad resident of Village- Sherpur, Dhepura, Samastipur- 848503.
11. Amit Kumar Pandey son of Akhileshwar Pandey resident of Ghataro, Chaturbhuj, Vaishali.
12. Birendra Kumar son of Niranjan Prasad Singh resident of Sohathi URF Mustafapur Sonar Ward No. 3, Samastipur- 844505.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar.
2. The Executive Director, State Health Society, Patna, Government of Bihar.
3. The District Magistrate-cum- Chairman, District Health Society, Samastipur.
4. The Civil Surgeon-cum- Secretary, Health Society, Samastipur.
5. The Managing Director, Urmila International Pvt. Ltd., 31/07, 1st Floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna.
6. Muskan Kumari, Data Entry Operator, C/o- Urmila International Pvt. Ltd., 31/07, 1st Floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna.
7. Niralee Kumari, Data Entry Operator, C/o- Urmila International Pvt. Ltd., 31/07, 1st Floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna.
8. Khushboo Kumari, Data Entry Operator, C/o- Urmila International Pvt. Ltd., 31/07, 1st Floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna.



9. Richa Kumari, Data Entry Operator, C/o- Urmila International Pvt. Ltd., 31/07, 1st Floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna.
10. Vidyanand Kumar, Data Entry Operator, C/o- Urmila International Pvt. Ltd., 31/07, 1st Floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna.
11. Pappu Kumar, Data Entry Operator, C/o- Urmila International Pvt. Ltd., 31/07, 1st Floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna.
12. Saurabh Kumar, Data Entry Operator, C/o- Urmila International Pvt. Ltd., 31/07, 1st Floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna.
13. Kanhiya Kumar, Data Entry Operator, C/o- Urmila International Pvt. Ltd., 31/07, 1st Floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna.
14. Anajni Kumar Vatsa Data Entry Operator, C/o- Urmila International Pvt. Ltd., 31/07, 1st Floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna.
15. Rajesh Kumar, Data Entry Operator, C/o- Urmila International Pvt. Ltd., 31/07, 1st Floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna.
16. Pallavi Kumari, Data Entry Operator, C/o- Urmila International Pvt. Ltd., 31/07, 1st Floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava
For the Respondent/s : Mr. Ajya Bihari Sinha, GA 8

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

Date : 17-01-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“(A) To issue an appropriate writ/writs, order/s, direction/s in the nature of Certiorari for quashing the selection list dated 29.07.2020 with respect to private Respondent Nos. 6 to 16 issued by Respondent No. 5 i.e. New Agency authorized by the State Health Society, whereby and whereunder Petitioners have been replaced by another contractual employee and they have been selected as Date Entry Operators in Samastipur District. The said decision violates the law laid by Hon’ble High Court.

(B) To issue an appropriate writ/writs, order/s direction/s in the nature of Mandamus for commanding /



directing the Respondents to allow the petitioners to continue their service as date operators for the State Health Society without imposing any condition as they have already been working as date operators for the past 6 to 7 years in different primary health center in Samastipur District. As the State Health Society (Respondent No. 2) is the principal employer and the Petitioners were appointed on the direction of State Health Society by the previous agency for the same existing health scheme in the year 2014 of the State Government.

(C) For restraining the Respondent to not forcefully make the petitioners unemployed as the petitioners are already working against the same scheme and are well qualified for the work and their contribution during his Corona Pandemic is also immense which is also acknowledged by the Medical Officers.

(D) Further for directing the Respondents to ensure the security of the job of the petitioners for the interest of Justice.”

3. Undisputed facts are that 5th Respondent-The Managing Director, Urmila International Pvt. Ltd., 31/07, 1st floor Banke Bihari Sadak, S.K. Puri, Boring Road, Patna is a Contractor to the State Government. The petitioners are working under Respondent No. 5. If any grievance of the petitioners is against Respondent No. 5, writ is not maintainable against private entity.

4. Accordingly, writ petition stands disposed off reserving liberty to the petitioner to resort appropriate remedy in raising dispute before appropriate forum.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	26.01.2022
Transmission Date	

