

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2589 of 2021

Rita Augustine Wife of Praveen Peter Sah, resident of 4/A, Tail Field Colony,
Near St. Annes School, Police Station- Digha, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar. Bihar.
2. The Chief Secretary, State of Bihar, Main Secretariat, Patna - 15.
3. The Principal Secretary, Health Department, Government of Bihar, Patna.
4. The Executive Director, State Health Society, Patna.
5. The Deputy Collector, Health Services-cum-State Program Officer (Tuberculosis), Bihar, Patna.
6. The State Program Officer (Tuberculosis), Bihar, Agamkuan, Patna - 7.
7. The District Magistrate, Nalanda Collectorate, Campus, District - Nalanda.
8. The Civil Surgeon-cum-Member Secretary, District Health Society, Nalanda.
9. The Additional Chief Medical Officer, Nalanda.
10. Dr. R.N Prasad, District Tuberculosis Officer-in-Charge, District Tuberculosis Centre, Biharsharif, (Nalanda).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mrs. Anima Loisa Topno
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 28-01-2022

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

2. In the instant petition, petitioner has prayed for
following reliefs:

“1. That, through this writ
petitioner the petitioner prays for issuance
of an appropriate writ(s), rule(s), order(s),
direction(s) commanding the respondents to
give following reliefs to the petitioner who
has been wrongfully terminated on
20.03.2015 by a letter No. 254 dated
20.02.2015 issued by Civil Surgeon-cum-
Member Secretary, District Health Society,



Nalanda from the Post of Senior DOT'S Plus TB-HIV Supervisor, District Tuberculosis Centre, Bihar Sharif, Nalanda on contractual basis under the program of RNTCP (Revised National Tuberculosis Control Program).

(i) To pass an stay order on Advertisement No.07/2020 of the State Health Society, Bihar published in the Newspaper “दैनिक जागरण” on 23.09.2020 for the online application for the post of Senior DOT's Plus TB HIV Supervisor with other posts and for which the last date for submission of application is 31.10.2020.

(ii) To quash the letter No. 254 dated 20.02.2015 issued by Civil Surgeon-cum- Member Secretary, District Health Society, Nalanda, through which the petitioner has been wrongfully terminated on 20.03.2015 from the contractual post of Senior DOT'S Plus TB-HIV Supervisor, District Tuberculosis Centre, Bihar Sharif, Nalanda.

(iii) To take legal action according to the provisions of “The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 on Dr. R. N. Prasad Tuberculosis Officer-in-charge, District Tuberculosis Centre, Bihar Sharif, (Nalanda) for sexual harassment of the petitioner.

(a) transfer the petitioner from Nalanda to her house town Patna on the same post.

(b) Determine the compensation in accordance with the provision of Section 13(3)(ii) and Section 15 of the same Act.

(iv) To quash the false and fabricated allegations implicated by the State Program Officer (Tuberculosis) Bihar, Patna on the petitioner for not performing her duties as per TOR for the post of Senior DOT'S plus TB-HIV Supervisor, District Tuberculosis Centre, Bihar Sharif, (Nalanda).

(v) To allow



extension/renewalation to the petitioner on the basis of her performance and eligibility according to the TOR from 01.01.2015.

(vi) To pay the petitioner one month salary due for the termination order and 11 months salary from October 2013 to August 2014 wrongfully held by Dr. R. N. Prasad, District Tuberculosis Officer-in-charge, District Tuberculosis Centre, Biharsharif (Nalanda) on failure of his sexual desire.

(vii) To pay the petitioner 5% yearly increment on the basic pay of Rs. 15,000/- (fifteen thousand) per month for she has joined to the post of senior DOT's Plus TB-HIV Supervisor on 30.09.2011.

(viii) To pay the petitioner 10% Additional year increment on the basic pay of Rs. 15,000/- (fifteen thousand) per month.

(ix) To calculate and pay back to the petitioner the amount of Rs. 1500/- (fifteen hundred) per month deducted from her salary as TDS which is illegal because her salary is not taxable.

(x) To pay the petitioner travel expenses for house visits of the MDR patients and carry their medicines.

(xi) To pay the petitioner reasonable penal interest on the entire claim.

(xii) To pay the petitioner litigation cost and exemplary physical, mental and economic harassment.

And/or

Any other relief(s) for which the petitioner may be found to be entitled or which your Lordships may deem fit and proper in this case.”

3. One of the relief sought in the present petition is for quashing of Letter No. 254 dated 20th February, 2015 issued by the Civil Surgeon-cum-Member Secretary, District Health Society,



Nalanda by which the petitioner's service have been terminated while she was holding contractual post of Senior DOT'S Plus TB-HIV Supervisor, District Tuberculosis Centre, Bihar Sharif, Nalanda. The petitioner has not explained delay and laches from the year 2015 to 2021. Therefore, the petitioner is not entitled to relief in respect of quashing of termination order dated 20th February, 2015. Consequently, petitioner is not entitled to quashing the Advertisement No. 07/2020 invited on 23.09.2020. At the best, petitioner could have participated in the process of selection and appointment pursuant to the aforesaid advertisement, if the petitioner has submitted application within the time-limit, i.e. 31.10.2020, the last date fixed by the authorities. The authorities are hereby directed to examine the petitioner's application for the aforesaid post.

4. With the above observations, the instant petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

