

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1565 of 2021**

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1. Pankaj Kumar, aged about 34 years, male, Son of Shree Vishwanath Chaudhari, Resident of Village-Tarsan, P.O.-Kharauna Dih, P.S.-Kudhni (Turki O.P.), Dist-Muzaffarpur.
2. Mukesh Kumar, aged about 42 year, male Son of Shree Madan Mohan Jha, Resident of Jarang Dih, P.O.-Jarang Deodhi, P.S.-Gaighat, Dist-Muzaffarpur.
3. Deepak Kumar, aged about 40 years, male, Son of Jai Kishore Prasad Singh, Resident of Village-Mahmadpur, P.O.-Mahmadpur Badal, P.S.-Sakra, Dist-Muzaffarpur.
4. Ashutosh, aged about 38 years, male, Son of Shree Binod Sharma, Resident of Village-Baghnagri, P.O.-Azizpur, P.S.-Saraiya, Dist-Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar through its Principal Secretary, Department of Health, Govt. of Bihar- cum- Chief Executive Officer, State Health Society, Bihar, Patna.
2. The Executive Director-cum-Special Secretary, Department of Health, Govt. of Bihar, State Health Society, Bihar, Patna.
3. The Director in Chief, Department of Health, Govt. of Bihar, Patna.
4. The Assistant Executive Director, State Health Society, Bihar, Patna.
5. The Regional Deputy Director, Department of Health, Govt. of Bihar, Patna.
6. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
7. The District Magistrate-cum-Chairman District Health Society, Muzaffarpur.
8. The Civil Surgeon-cum-Chief Medical Officer-cum-Member Secretary, District Health Society, Muzaffarpur.
9. The Administrative Officer-cum-In Charge, State Health Society, Bihar, Patna.
10. The District Programme Manager, District Health Society, Muzaffarpur.
11. The In-charge Medical Officer, Primary Health Centre, Motipur, Muzaffarpur.
12. The In-charge Medical Officer, Primary Health Centre, Mushahari, Muzaffarpur.
13. The In-charge Medical Officer, Primary Health Centre, Gaya Ghat, Muzaffarpur.
14. The In-charge Medical Officer, Primary Health Centre, Muraul, Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioners : Mr. Sunil Kumar  
For the Respondent-



State Health Society : Mr. K.K. Sinha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**

**Date : 18-08-2022**

Heard learned counsel for the petitioners and learned counsel for the Respondent State Health Society.

The petitioners' claim is for honorarium on account of work being discharged pursuant to order dated 02-06-2008 (Annexure-2).

The learned counsel for the respondent Society, relying upon averment made in the counter affidavit, has submitted that *prima facie* the petitioners' claim appears to be unsustainable inasmuch as the order of appointment (Annexure-2) contemplates execution of an agreement for 11 months, which has not been placed on record by the petitioners, therefore, petitioners have not made out any enforceable claim for honorarium. The further submission is that if at all they have been employed the same was by the *Rogi Kalyan Samittee*, for which, the respondent- District Health Society can not be held responsible.

The Court, in view of the submission allowed the petitioners' counsel, adjournment to place on record the agreement, if executed pursuant to the offer of appointment as contained in Annexure-2. The learned counsel has submitted after



obtaining instructions from the petitioners that no such agreement was executed.

In view of the aforesaid circumstance, this Court would find no enforceable claim in favour of the petitioners as the appointment order (Annexure-2) clearly contemplates that it was to be followed by the execution of an agreement for 11 months. The basic foundation for claiming that the petitioners have discharged the work as Data Entry Operator, therefore, is lacking.

The writ petition is devoid of merit and the same is dismissed.

**(Madhuresh Prasad, J)**

shyambihari/-

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| CAV DATE          | N/A        |
| Uploading Date    | 06-09-2022 |
| Transmission Date |            |

