

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18075 of 2021

1. Abhishek Kumar Pandey Son of Sri Gauri Shankar Pandey Resident of Village and P.O.- Barhara Lakhansen, P.S.- Dhaka, District- East Champaran (Bihar).
2. Raj Kumar Prince Son of Sri Ajit Singh Resident of Village- Raitola, Shambhu Chak, P.O.- Shambhu Chak, P.S.- Kalyanpur, District- East Champaran (Bihar).
3. Shashi Bhushan Tiwari Son of Areraj, Ward No. 4, P.O. and P.S.- Areraj (Bihar).
4. Manoj Kumar Ram Son of Late Rajendra Ram Resident of Village- Balwa, P.O.- Damodarpur, P.S.- Pipra, District- East Champaran (Bihar).
5. Gautam Pandey Son of Sri Ram Pandey Resident of Village and P.O.- Laukariya, P.S.- Bairya, District- East Champaran (Bihar).
6. Nitesh Kumar Pandey Son of Sri Sanjay Pandey Resident of Village and P.O.- Kesariya, P.S.- Keshariya, District- East Champaran (Bihar).
7. Manindra Kumar Son of Sri Pramod Kumar Srivastava Resident of Village- New Basti Mathiya Jirat, P.O.- Motihari, P.S.- Chhatauni, District- East Champaran (Bihar).
8. Rajesh Kumar Son of Sri Yogendra Mahto Resident of Village- Bahrupiya Vidyalaya Bahrupiya, Ward No. 5, P.O. and P.S.- Sugauli, District- East Champaran (Bihar).
9. Shailendra Kumar Prasad Son of Sri Bachha Prasad Resident of Village- Kasba Kadamwa, P.O.- Kadamwa, P.S.- Ghorasahan, District- East Champaran (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Cum Chief Executive Officer, State Health Society, Bihar, Patna.
3. The State Health Society, Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna- 800014 Through its Executive Director.
4. The Executive Director, The State Health Society, Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna- 800014.
5. The State Programme Officer, State Health Society, Bihar, Patna.
6. The District Health Society, East Champaran through the District Magistrate cum Chairman, The District Health Society, East Champaran, Motihari.
7. The Civil Surgeon cum Member Secretary, District Health Society, East Champaran, Motihari.
8. The In-Charge Medical Officer, Primary Health Centre, Chakiya, District- East Champaran.
9. The In- Charge Medical Officer, Primary Health Centre, Dhaka, District-



East Champaran.

10. The In- Charge Medical Officer, Primary Health Centre, Ghorasahan, District- East Champaran.
11. The In- Charge Medical Officer, Primary Health Centre, Madhuban, District- East Champaran.
12. The In- Charge Medical Officer, Primary Health Centre, Sugauli, District- East Champaran.
13. The In- Charge Medical Officer, Primary Health Centre, Keshariya, District- East Champaran.
14. The In- Charge Medical Officer, Primary Health Centre, Areraj, District- East Champaran.
15. The In- Charge Medical Officer, Primary Health Centre, Sadar Block, District- East Champaran.
16. The In- Charge Medical Officer, Primary Health Centre, Ramgarhwa, District- East Champaran.
17. M/s Urmila International Services Limited (A Company Registered under The Companies Act, 1956) having its office at 31/A, 1st Floor, Bankey Bihari Sadan, Sahdeo Mahto Marg, Sri Krishna Puri, P.S.- Sri Krishna Puri, District- Patna, Pin Code- 800001 (Bihar) represented through Kumar Avinash Son of Sri Sheo Binod Sharma.
18. Kumar Avinash Son of Sri Sheo Binod Sharma, Managing Director, Resident of 31/A, 1st Floor, Bankey Bihari Sadan, Sahdeo Mahto Marg, Sri Krishna Puri, P.S.- Sri Krishna Puri, District- Patna, Pin Code- 800001 (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	
For the Respondent/s	:	Mr. Ramadhar Singh, GP 25
	:	Mr. Kishore Kumar Sinha
	:	Mr. Shakti Suman Kumar
	:	Mr. Rajesh Ranjan
	:	Mr. Atul Shankar

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

Date : 24-01-2022

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

2. None appears for the petitioners.



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

“I. For issuance of a writ in the nature of mandamus commanding the Respondents particularly Respondent No.17 & 18 because the Respondent No. 17 & 18 in complete departure to the Order passed by this Hon’ble Court in C.W.J.C. No 7250 of 2020 (Annexure-P/) issued the Letter on 22.05.2021 bearing Letter No. UIS/2021/876 by which the Respondent No. 17 & 18, in complete departure to the terms and conditions mentioned in the Letter of Appointment (Annexure-P/ Series) and the Letter dated 04.01.2018 bearing Letter No. 5724 (Annexure-P/) and the Letter No. 5725 (Annexure-P/) issued the Letter impugned dated 22.05.2021 bearing letter No. UIS/2021/876.

II. For issuance of a writ in the nature certiorari for quashing of the Letter dated 08.09.2021 bearing Memo No. 1331/DHS (Annexure-P/8) issued under the Signature of Respondent No. 7 by which the Respondent No. 7, in compliance of the Letter dated 22.05.2021 bearing Letter No. UIS/2021/876 (Annexure-P/7) as the same are issued in connivance with Respondent No. 17 & 18 in order to dislodge the rightful claim of the Petitioners as the Petitioners were engaged on contract basis but their engagements were made after following due process of law and due procedure of law.

III. For further issuance of writ in the nature of mandamus commanding/directing the Respondent No. 7, 17 and 18 asking therein that whether after the Order passed by this Hon’ble Court in C.W.J.C. No. 7250 of 2020, notice was ever served / communicated upon the Petitioners by any mode.

IV. To restrain the Respondent No. 17 & 18 from taking any coercive steps, in form of disengagement of the Petitioners because admittedly and acceptedly the Petitioners were engaged on need based post and continuing over their respective posts of Date Entry Operator under the Respondent No. 08 to 16 and till date no adverse remark or entry made against the service rendered by the Petitioners.

V. Any other relief / relief(s) be granted to the Petitioners for which they are entitled to.”

4. Grievance of the petitioners is against Respondent No. 17 and 18 who are private entity, therefore, the present petition is not



maintainable under Article 226 of the Constitution against private entity.

Accordingly, the present petition stands dismissed as not maintainable, reserving liberty to approach appropriate forum.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	28.01.2022
Transmission Date	

