

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19053 of 2021

1. Dipak Kumar Shukla Son of Sri Akhileshwar Shukla Resident of Village- Shukul Tola, P.O.- Tikulia, P.S.- Chanpatiya, District- West Champaran (Bihar).
2. Dipak Kumar Son of Late Shiv Paras Singh Resident of Village- Laukariya, P.O.- Laukariya, P.S. Bairiya, District- West Champaran (Bihar).
3. Awadhesh Kumar Son of Sri Rajan Prasad Resident of Village- Bankatwa, P.O. and P.S.- Bagha-1, Prakhand- Bagha, District- West Champaran (Bihar).
4. Ranjan Kumar Verma Son of Sri Prakash Chandra Verma Resident of Village- Banu Chhapar, P.O. and P.S.- Bettiah, District- West Champaran (Bihar).
5. Manoj Kumar Son of Ram Narayan Yadav Resident of Village and P.O.- Chaumukha, P.S.- Yogapatti, District- West Champaran (Bihar).
6. Amit Kumar Pandey Son of Late Ramakant Pandey Village- Pandey Tola, Ward No. 23, P.S.- Narkatiyaganj, District- West Champaran (Bihar).
7. Brajesh Kumar Tiwary Son of Late Janardan Tiwary Resident of Village- Hichhothal, P.O. and P.S.- Sathi, District- West Champaran (Bihar).
8. Chhote Lal Sharma Son of Late Bhola Sharma Resident of Village and P.O.- Bhitiharwa Ashram, P.S.- Gounaha, District- West Champaran (Bihar).
9. Sachin Kumar Gupta Son of Sri Braj Kishore Gupta Resident of Mohalla- Sabzi Mandi Shastri Nagar, Ward No. 13, Tamkuhi Road, P.S.- Kushi Nagar O.P., District- Kushi Nagar (U.P.)
10. Sagar Kumar Verma Son of Sri Om Prakash Verma Resident of Village- Kalibagh, Bulaki Chauk, P.O. and P.S.- Bettiah, District- West Champaran (Bihar).
11. Sunil Chandra Pandey Son of Sri Bashistha Pandey Resident of Village- Deodharwa, P.O.- Machchargawa, P.S.- Yogapatti, District- West Champaran (Bihar).
12. Vishal Kumar Son of Sri Raj Kishore Prasad Resident of Mauza- Raxaul, Ward No. 15, P.O. and P.S.- Raxaul, District- West Champaran (Bihar).
13. Rajeev Ranjan Kumar Patel Son of Ajay Kumar Resident of Village- Dariyapur, P.O.- Kachiyahawa, P.S.- Nagarnausa, District- Nalanda (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, West Champaran Through The District Magistrate Cum Chairman, The District Health Society, West Champaran, Bettiah.
7. The Civil Surgeon Cum Member Secretary, District Health Society, West Champaran, Bettiah.
8. The In- Charge Medical Officer, Primary Health Centre, Chanpatiya, District- West Champaran.
9. The In- Charge Medical Officer, Primary Health Centre, Bairiya, District- West Champaran.
10. The In- Charge Medical Officer, Primary Health Centre, Bagaha-1, District- West Champaran.
11. The In- Charge Medical Officer, Primary Health Centre, Nautan, District- West Champaran.
12. The In- Charge Medical Officer, Primary Health Centre, Lauria, District- West Champaran.
13. The In- Charge Medical Officer, Primary Health Centre, Gaunnaha, District- West Champaran.
14. The In- Charge Medical Officer, Primary Health Centre, Thakrahan, District- West Champaran.
15. The In- Charge Medical Officer, Primary Health Centre, Yogapatti, District- West Champaran.
16. The In- Charge Medical Officer, Primary Health Centre, Madhubani, District- West Champaran.
17. The In- Charge Medical Officer, Primary Health Centre, Sikta, District- West Champaran.
18. The In- Charge Medical Officer, Primary Health Centre, Mainatand, District- West Champaran.
19. 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.
20. 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 : Mr. Shri Prakash Srivastava, Advocate
For the Respondent/s : Mr. Nagendra Prasad Yadav (SC 23)

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



Date : 25-01-2022

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

In the instant petition, petitioners have prayed for the following relief(s):-

“(i) For issuance of writ in the nature of mandamus commanding the Respondents particularly Respondent No. 19 & 20 because the Respondent No. 19 & 20 in complete departure to the order passed by this Hon’ble Court in C.W.J.C. No. 7250 of 2020 (Annexure-P/5) issued the Letter on 22.05.2021 bearing Letter No. UIS/2021/876 (Annexure-P/7) by which the Respondent No. 19 & 20, in complete departure to the terms and conditions mentioned in the Letter of Appointment (Annexure-P/4 Series) and the Letter dated 04.01.2018 bearing Letter No. 5724 (Annexure-P/3) and the Letter No. 5725 (Annexure-P/3/A) issued the Letter impugned dated 22.05.2021 bearing Letter No. UIS/2021/876 (Annexure-P/7).

(ii) For issuance of a writ in the nature of 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. 19 & 20 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, 19 and 20 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. 19 & 20 from taking any coercive steps, in form of disengagement of the petitioners because admittedly and acceptably the petitioners were engaged on need based post and continuing over their respective posts of Data Entry Operator under the Respondent No. 08 to 18 and till date no adverse remarks 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."

The grievance of the petitioners is against Respondent No. 19 and 20. Respondent No. 19 is limited company namely M/s Urmila International Services Limited and Respondent No. 20, Kumar Avinash is Managing Director. Both the aforesaid parties do not have the status under Article 12 of the Constitution so as to entertain present petition under Article 226 of the Constitution. Moreover, it relates to violative of certain contractual agreement.

Accordingly, the writ petition is not maintainable under Article 226 of the Constitution. Petitioners are at liberty to resort appropriate remedy before the appropriate forum. The present



petition is dismissed with cost of Rs. 10,000/- (Ten Thousand).
The cost shall be remitted to the Patna High Court Legal Services
Committee within a period six weeks from today.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

