

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2441 of 2023

Priyanka Das Daughter of Nirmal Kanti Das, Resident of Ward No. 25,
Hospital Road, P.S.- Kishanganj, District- Kishanganj.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health Government of Bihar, Patna.
2. The Principal Secretary, Department of Health Government of Bihar, Patna.
3. The Director, Bihar State Aids Control Society, Bihar, Patna.
4. The Deputy Director, Bihar State Aids Control Society, Bihar, Patna.
5. The Civil Surgeon-cum-Chief Medical Officer, Kishanganj.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Md Fazle Karim, Adv.
For the State	:	Mr. Mujtabaul Haque (GP 12) with Mr. Manish Kumar AC to GP-12
For the Resp. Nos. 3 & 4:	:	Mr. Sanjeev Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-07-2023 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the respondent
Nos. 3 and 4

2. It is not in dispute that pursuant to the selection process, which was contractual, petitioner was selected as a counsellor, based on a walk-in-interview under the Bihar State Aids Control Committee by the Civil Surgeon-cum- Chief Medical Officer, Kishanganj (Respondent no.5) under order dated 31.07.2021. It is also not in dispute that the petitioner submitted her joining at the Sadar hospital, Kishanganj on 06-08-2021.



3. The contractual services of the petitioner have been brought to an end by order dated 11.11.2022 (Annexure-11) with immediate effect since the authorities have realized that the process, pursuant to which, she was selected, was without observing the reservation roster.

4. The learned counsel for the petitioner submits that the period, during which, she has worked has been acknowledged by the authorities, which is apparent from Annexure-7. The petitioner, having performed the work between her joining till issuance of the impugned order dated 11.11.2022, is entitled to receive payments, due and admissible to her on account of such contractual service.

5. This Court finds that claim of the petitioner, insofar as payment of wages are concerned, is required to be redressed since petitioner's joining on 06-08-2021 is not disputed. Her contractual services have continued till 11-11-2022, when the impugned order was issued.

6. The petitioner, therefore, is entitled to payment for the period/number of days when she has worked. The payment is to be done by the Director, Bihar State AIDS Control Society, Bihar, Patna, (respondent no. 3) and the Civil Surgeon-cum-



Chief Medical Officer, Kishanganj (respondent no. 5). The respondent nos. 4 and 5 are, therefore, directed to ensure payment of the amounts, due and admissible to the petitioner, for the said period along with details, showing calculation of the amount being paid to her. The same should be paid within a period of eight weeks from the date of receipt/production of a copy of this order.

7. The writ petition is allowed to the extent noted above.

(Madhuresh Prasad, J)

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