

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2275 of 2023

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Asmita Kumari Wife of Sri Ram Krishna Dev, resident of village Dhanukhi,
P.S. Runnisaidpur, Dist. Sitamarhi presently residing at Shanti Nagar, Ward
No. 15, Dumra, P.S. Dumra, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Bihar State AIDS Control Society, Sheikhpura, Patna through its Project
Director.
4. The Project Director, Bihar State AIDS Control Society, Sheikhpura, Patna.
5. The Civil Surgeon-cum-Superintendent, Sadar Hospital, Sitamarhi.
6. The Nodal Officer, ART Centre, Sadar Hospital, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vaidehi Raman Prasad Singh
For the State	:	Mr. S. D. Yadav (AAG 9) with Mr. Braj Bhushan Mishra AC to AAG-9
For the Resp. Nos. 3 & 4 :		Mr. Sanjiv Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-07-2023 Heard leaned 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 Committe by the Civil Surgeon-cum-
Superintendent, Sadar Hospital, Sitamarhi, under order dated
31.01.2022. It is also not in dispute that the petitioner submitted



her joining at the Sadar hospital on 01.02.2022.

3. The contractual services of the petitioner have been brought to an end by order dated 22.11.2022 (Annexure-5) 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 nature of appointment being contractual, 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-3. The petitioner, having performed the work between her joining till issuance of the impugned order dated 22.11.2022, 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 01-02-2022 is not disputed. Her contractual services have continued till 22-11-2022, 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 Project Director, Bihar State AIDS Control



Society, Sheikhpura, Patna, (respondent no. 4) and the Civil Surgeon-cum-Superintendent, Sadar Hospital, Sitamarhi, (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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