

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2504 of 2023

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Mahendra Ray Son of Late Paltu Ray Resident of Village- Korbaddha, P.S.-
Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Civil Surgeon-cum-Chief Medical Officer, Samastipur.
4. The In-charge Medical Officer, Primary Health Centre, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr.Ramadhar Singh (GP-25)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 4 13-07-2023 1. The petitioner has been denied extension of his
services post-superannuation as Dresser, Paramedical staff at the
primary health centre Korbaddha, Samastipur.
2. The court has made a specific query as to whether
there is any provision giving a right to the petitioner for
extension.
3. Learned counsel for the petitioner relies upon
Annexure-1 and submits that recommendation has been made
for extension, but the same has been rejected.
4. It is a basic principle for exercise of jurisdiction
under Article 226 of the Constitution that a right must subsist in
favor of the petitioner which is capable of being enforced by



issuance of a direction under Article 226. The petitioner has not made out any right based on any rule, direction, provision or departmental instruction on which he can claim a right to extension, post-retirement.

5. That being the fact, this court is not inclined to entertain the writ petition.

(Madhuresh Prasad, J)

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