

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10882 of 2021

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1. Shankar Prasad Singh, Son of Nawal Kishore Singh, Resident of Mohalla-100, Prabhat Colony, (Donar Chawk), P.S. K. Hat, District-Purnea.
 2. Mukesh Kumar Jha, son of Yaduvir Jha, Resident of Village-Prabhat Colony, (Donar Chawk), Prabhat Colony, P.S. K. Hat, District-Purnea.
 3. Roshan Kumar, Son of Mithilesh Kumar Singh, resident of Village and P.O.-Parihari, P.S.-Raniganj, District-Araria.
 4. Md. Parwez Jafar Asharfi, Son of Md. Siddique, Resident of Village-Kandhev Palli, P.S. Dand Khora, District-Katihar.
 5. Ravishankar Jha, Son of Shivshankar Jha, resident of Village and P.O.-Kataria, P.S.-Kurshela, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Secretary, State Health Society, Bihar, Patna.
4. The Executive Director, State Health Society, Bihar, Patna.
5. The Principal Secretary, Family Health and Welfare Department, Bihar, Patna.
6. The Civil Surgeon, Purnea.
7. The Civil Surgeon-cum-Chief Medical Officer, Sadar Hospital, Purnea.
8. The Civil Surgeon, Katihar-cum-Chief Medical Officer, Purnea.

... .. Respondent/s

Appearance :

For the Petitioners : Mr. Bijendra Kumar Singh, Advocate
For the State : Ms. Shweta Anand, AC to GP-13

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-10-2023 1. Heard learned counsel for the petitioners and
learned counsel for the State.

2. The petitioners claim to have been engaged as Lab
Technicians. The writ application does not contain any details as
to their claimed engagement. What is the *modus* of their entry in



the contractual establishment is not borne from the pleadings or the annexures in the writ petition.

3. It is in such circumstance that a claim has been made for regularization. The same clearly cannot be entertained for the simple reason that the pleadings in the writ petition does not make out that petitioners' engagement was subject to any process known to law, against sanctioned posts, or by any competent authority. The prayer for regularization, therefore, is not tenable. In view of decision of the Hon'ble Apex Court in the case of *Secretary, State of Karnataka and Ors. versus Umadevi and Ors.* reported in *(2006) 4 SCC 1*.

4. The further relief for restraining the authorities to take any coercive action pursuant to Advertisement No. 4 of 2021 also appears to be without any substance. The advertisement has been made for engaging Lab Technicians on contract basis. The advertisement is an open advertisement for all eligible persons to apply. In view of the facts and circumstances, taken note of above, merely on an apprehension that the petitioners will suffer adverse consequences as a result of the process initiated by way of an advertisement in accordance with law, cannot be made the basis of entertaining a plea to in any way restrain the authorities with reference to the



process of contractual appointment initiated under
Advertisement No. 4 of 2021.

5. The writ application is devoid of merit and is
accordingly dismissed.

(Madhuresh Prasad, J)

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