

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23784 of 2012

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1. SAGUN SINGH and ANR S/O Late Ram Lochan Singh R/O Village Suhi, P.S- Deo, District- Aurangabad.
 2. Md. Shamim Eqbal S/O Abdul Raiutt R/O Village- Jiva Bigha, P.S- Amba, Kutumba, District- Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Principal Secretary, Department Of Health, Medical Education And Family Welfare, Govt. Of Bihar, Patna.
3. The Director In Chief, Health Services, Govt. Of Bihar, Patna.
4. The Deputy Director, Health Services Tuberculosis, Bihar, Patna.
5. The Joint Director, Health Services- Cum- State Programme Officer, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Adv.
For the State	:	Mr. Sriram Krishna, AC to SC-11 with Mr. Akash Chaturvedi, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 02-01-2023

1. Heard the parties.

2. The petitioners by way of this writ petition claims parity. The petitioners, who had approached this Court timely in 2003 as well as in 2008 and 2009 and in whose favour orders were passed, quashing the enquiry report and directing for reinstatement.

3. The petitioners before this Court were appointed in the year 1984 vide memo no. 04.01.1984 and 26.04.1989 as B.C.G. (Technician) and Clerk respectively. Their appointments were made by the Deputy Director, Health Services and their



services were dispensed with vide order dated 30.04.1993. After 1993, it appears that none of the petitioners approached to this Court at any given point of time and it is only when a Judgment was passed in favour of some other persons on 06.10.2009, that they come from slumber and again made representations to the authorities and then preferred this petition in 2012, claiming parity on the ground that the enquiry of 31.12.2008 has been quashed.

3. This Court is of firm view that the enquiry had nothing to do with the petitioners, who had been terminated from the services in 1993. It is in relation to subsequent events relating to others for whom regularization action was taken that the enquiry was conducted. Therefore, on parity too, I do not find a case similar to the others. That apart the petitioners have not been able to explain the delay in challenging the order of 1993 up to 2012. The same is fatal to the case of the petitioners on record.

4. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-
Item No. 28

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