

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19491 of 2015

Shiv Krishna Murty S/o Sri. Braj Nandan Sharma Resident of Jagdish Nagar
Mohalla, North of Telephone Exchange, Nizamuddinpur, District- Jehanabad,
Bihar- 804408

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar through its Principal Secretary, Department of Health, Govt. of Bihar-Cum-Chief Executive Officer, State Health Society, Bihar, Sheikhpura, Patna-14.
3. The Secretary, Department of Health cum Executive Director, State Health Society, Bihar, Sheikhpura, Patna-14
4. The District Magistrate, Patna-Cum Chairman, District Health Society, Patna.
5. The Civil Surgeon-Cum-Member Secretary, District Health Society, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok, Advocate
For the Respondent/s : Mr. Nadeem Seraj, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-12-2023 Heard leaned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The present writ petition has been filed for directing the respondent to reinstate the petitioner to the post of the District Monitoring and Evaluation Officer by quashing the order dated 19.06.2013 passed by the Civil Surgeon, Patna.

3. Pursuant to an advertisement issued by the department the petitioner was initially appointed on the post of the Data Assistant with effect from 08.07.2007 by letter no.457/DHS, Patna (Annexure-3). Thereafter, the period of



contract of the petitioner was extended time-to-time from the date of his appointment i.e. 08.07.2007. The State Health Society, Bihar had taken decision to re-designate the post i.e. the name of the Date Assistant as District Nodal Monitoring and Evaluation Officer and thereafter vide order dated 17.01.2011 the contractual period of the petitioner was again extended for further three years from 07.01.2011 to 16.01.2014 (Annexure-6). Thereafter, the respondent no.5 had terminated the service of the petitioner in accordance with terms and conditions of the contract stipulated in agreement dated 12.10.2009/17.01.2011 with effect from 19.06.2013..

4. Learned counsel for the petitioner contented that as per the agreement dated 17.01.2011 the aggrieved person has right to file an appeal before the Executive Director, SHSB within 30 days from the date of the decision of the District Health Society.

5. Learned counsel for the petitioner submits that in terms of the clause 10(g) of the agreement dated 17.01.2021 the petitioner has filed a detailed representation (appeal) before the Executive Director, SHSB on 21.06.2013 and the same is still pending before the Executive Director, SHSB.

6. In view of the aforesaid, respondent no.3 is directed



to dispose of the representation dated 21.06.2013 which is pending since 2013 in accordance with law after giving proper opportunity of hearing to the petitioner and pass a reasoned order within a period of three months in accordance with law from the date of receipt/production of the order.

7. Accordingly, the writ application is disposed of with the aforesaid direction.

(Rajesh Kumar Verma, J)

Prakash Narayan

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