

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22240 of 2011

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Girish Kumar Sinha S/O Late Ganga Prasad R/O Village- Kishanpur, P.S.-
Barh, District-Patna

... .. Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Health,
Government of Bihar, Patna.
2. Director in Chief, Health Services, Government of Bihar, Patna.
3. Civil Surgeon Cum Chief Medical Officer, Khagaria.
4. Incharge Medical Officer, Primary Health Centre, Beldaur, Khagaria.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-02-2023 No one appears for the petitioner.

The present writ application has been filed seeking a writ in the nature of Certiorari to quash the order dated 25.10.2010 passed in Case No. 108 of 2010 by One Man Enquiry Committee under the Chairmanship of Hon'ble Mr. Justice (Retired) Uday Sinha as contained in Annexure '20' to the writ application.

On perusal of the impugned order (Annexure '20'), it would appear that the Hon'ble One Man Committee has found that the petitioner was appointed as daily wager on 30.08.1986 by Civil Surgeon-cum-Chief Medical Officer, Khagaria, without any advertisement and without following the procedures made on this behalf, he was illegally appointed on the post of clerk-



cum-storekeeper. In the concluding part of it's order, the
Hon'ble Committee has observed as under:-

“I have considered to entire papers I am in complete agreement with the conclusion of the Civil Surgeon in Annexure -19 dated 15.06.1999. The petitioner had never been appointed by letter dated 2120 dated 15.12.1986. There is nothing to substantiate his claim that he also had been appointed by Annexure – 5 dated 15.12.1986. The conclusion of the Civil Surgeon in that behalf is correct.

In regard to appointment letter 30.9.1993 (Annexure- 16), the order of Civil Surgeon is absolutely correct. There was no process by which the petitioner was issued that appointment letter. Without any procedure that appointment letter was issued. This was in complete derogation of the appointment rules. The circular of 3rd December, 1980 was completely disregarded. His appointment therefore was illegal. That being the position the cancellation of his appointment was well merited. Annexure-16 completely violated Article 14 and 16 of the constitutional. For reasons stated above I find no merit in this application. It is rejected accordingly.”

Even as no one is putting appearance on behalf of the petitioner, after perusal of the records, this Court finds no merit in this writ application. It has already remained pending for a decade, therefore, there is no point in keeping it further pending.

This writ application is dismissed.

(Rajeev Ranjan Prasad, J)

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