

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5439 of 2019

In
Civil Writ Jurisdiction Case No.18408 of 2019

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Rupesh Kumar, Son of Sri Onkar Thakur, Resident of Birpur, Ward No. 11,
Kargil Chowk, i-Type Colony, near Hawaii Field, P.S. Birpur, District-Supaul.
... .. Petitioner

Versus

1. The State of Bihar through Sri Sanjay Kumar, name of father not known to the petitioner, the Principal Secretary, Health Department, Vikash Bhawan, 1st Floor, Baily Road, Patna.
2. Dr. Navin Chandra Prasad, name of father not known to petitioner, the Director-in-Chief (Family Welfare, Matrix Infant Health and Nursing), Health Services, Bihar, Patna.
3. Sri Manoj Kumar, name of father not known to petitioner, the Director, Health Department, Bihar, Patna.
4. Dr. Krishna Mohan Prasad, name of father not known to the petitioner, the Civil Surgeon, Supaul.
5. Dr. Kumar Birendra Prasad, name of father not know to the petitioner, the Deputy - Superintendent, Lalit Narayan Sub-Division Hospital, Birpur, District- Supaul.
6. Sri Vijay Kumar Singh, name of father not known to the petitioner, the Executive Engineer, Head Works Division, Birpur.
7. Sri Mahendra Kumar, name of father not known to the petitioner, the District Officer, Supaul.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar
For the Opposite Party/s : Mr. Nagendra Prasad Yadav (Sc 23)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-08-2023 The petitioner has alleged disobedience of this Court's order dated 20.09.2019 passed in C.W.J.C. No. 18408 of 2019, operative portion of which reads as under: -

“Let the Deputy Superintendent, Lalit Narayan SubDivisional Hospital, Birpur, Supaul, consider the case of the petitioner and pay to him the wages, which he is entitled to in accordance



with law within three months from the date of receipt/production of a copy of this order.

The Director-in-Chief, Health Services, Bihar, is further directed to examine the circumstance, in which the petitioner was engaged, if at all engaged, on daily wage basis. If there is any vacancy of the post, against which the petitioner is said to be working, the same should have been filled-up by adopting a fair procedure in conformity with the provisions under Articles 14 and 16 of the Constitution of India. The authorities cannot be allowed to maintain ad-hocism for an indefinite period. A decision in this regard must be taken by the Director-in-Chief in terms of the present observation within one month from today.

Let a copy of this order be communicated to the Director-in-Chief, Health Services, Bihar.”

2. It is clear stand of the State of Bihar that the petitioner was engaged on daily-wage basis only for limited period from August, 2015 to September, 2015. This fact is being disputed by learned counsel appearing on behalf of the petitioner and he submits that the documents would show that he had been working even beyond September, 2015. This question, in the Court's opinion, need not be gone into in a contempt proceeding. Learned counsel for the petitioner has



further argued that despite this Court's order for filling up of the vacant posts in conformity with the provision of Articles 14 and 16 of the Constitution of India, nothing tangible has happened. He has also pointed out that 210 posts have been sanctioned, but till date no action has been taken for filling up such posts.

3. After having perused the order of this Court dated 20.09.2019, in my opinion, no case is made out of deliberate disobedience of this Court's order. The contempt proceeding stands dropped accordingly.

(Chakradhari Sharan Singh, J)

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