

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2950 of 2023

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Pankaj Kumar Son of Late Bashisth Narayan Choudhary, Resident of Laxmi Nagar, Fardogola, Pakahi, P.S. - Sadar, District - Mujaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Director-in-Chief, Health Services, Government of Bihar, Patna.
3. The District Magistrate, Mujaffarpur.
4. The Regional Dyputy Director, Health Services, Mujaffarpur.
5. The Civil Surgeon, Mujaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh
For the Respondent/s : Mr.Smt. Binita Singh (Sc28)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

12 02-02-2024 Heard learned counsel for the parties concenred.

2. The petitioner has filed the above Public Interest Litigation alleging that there has been 71 illegal appointments made to the District of Muzaffarpur in the Health Department. The State has filed counter affidavit dated 18.07.2023 specifically pointing out that in Muzaffarpur, the Civil Surgeon-cum-Chief Medical Officer has taken action in the matter of illegal appointments and taking into consideration the judgments of the Hon'ble Supreme Court and altogether 59, 11 from Muzaffarpur and further 12 persons from Hajipur were



terminated. It is also submitted that the authorities never carried out an enquiry with respect to such illegal appointments made.

3. An intervening application has been filed as I.A. No.01 of 2023 wherein the petitioners therein alleged that they have been terminated by reason of the Public Interest Litigation. We pointed out that there is no order passed in the Public Interest Litigation and even on the two earlier instances, when the matter was posted before Court, none appeared on behalf of the petitioner. Learned counsel submits that in fact earlier counter affidavit filed by the State asserted that the appointments of the petitioners herein were proper. Later they have been terminated only on production of the judgments of the Hon'ble Supreme Court in the above Public Interest Litigation.

4. To a specific query whether the public interest litigation has been referred to in the termination order, it is admitted that no such reference is made.

5. If the State makes an enquiry into the illegal appointments, based on Supreme Court judgments and terminate such appointees then the remedy of the terminated person is before the appropriate authority / Court who shall look into whether the termination is in accordance with the Supreme



Court judgment or not. We are definite that the terminations were not on account of the public interest litigation.

6. In any event we see no further reason to keep the public interest litigation pending. However, we make it clear that the terminated employees would be reserved their right to agitate in the appropriate forum. We do not make any observation about the validity of either the appointments or the termination.

7. The writ petition stands closed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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