

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 4642 of 2023

Umesh Ram, Son of Asharaphi Ram, Resident of Ward No. 1, Ghoghardiha,
P.S.- Ghoghardiha, District- Madhubani, Bihar, Pin- 847402.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Department of Health, Government of Bihar, New Secretariat, District- Patna, Bihar.
2. The Director-in- Chief, Health Services, Government of Bihar, District- Patna, Bihar.
3. The Regional Deputy Director, Health Services, Magadh Division, District- Gaya, Bihar.
4. The Civil Surgeon-Cum- Chief Medical Officer, Patna, District- Patna.
5. In- charge Medical Officer, Additional Primary Health Centre, Govt. of Bihar, District- Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Respondent/s : Mr. Rajeshwar Singh, GA-10

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

- 3 07-05-2024 1. The petitioner was appointed as Sweeper (Grade-D) by the Chief Medical Officer of Health, Madhubani in the year 1992. He was terminated from service in the year 2001 on the ground that his order of appointment was forged. Along with the petitioner, 33 other appointees were also terminated. The



petitioner challenged the said order of termination by filing C.W.J.C. No. 11651 of 2002 along with C.W.J.C No. 4702 of 2003. Both the writ petitions were disposed of by this Court in favour of the petitioner.

2. The State of Bihar challenged the said order in appeal before the Division Bench of this Court in L.P.A. No. 946 of 2003 along with other analogues cases. The said appeals were disposed of by a common judgment, directing the State-Respondents to constitute Five-Men-Committee and to inquire into each case individually to find out as to whether the letter of appointment of the petitioner and other 33 candidates were forged or not.

3. It is admitted by the petitioner in paragraph 10 of the writ petition that as per order of the Division Bench of this Court, Five-Men-Committee was constituted and the appointment of the petitioner was held to be forged.

4. Against the judgment passed by the Division Bench of this Court in the above-mentioned appeal, both, the Respondents as well as unsuccessful petitioners, filed Special Leave to Appeal before the Hon'ble Supreme Court. The Hon'ble Supreme Court disposed of all the appeals by a common order passed in Civil Appeal No. 8649 of 2018 on 17th



of October, 2019. The Hon'ble Supreme Court in paragraph 46 of the order held as under:-

“We do not find any error in the order of the High Court dated September, 24, 2014, and, therefore, the appeals filed by the candidates against such order are dismissed. The pending applications, if any, shall stand disposed of.”

5. The petitioner has filed the instant writ petition, alleging, *inter alia*, that his appointment was found to be forged by the Five-Men-Committee. However, another person, namely, one Om Prakash was regularized by the said Five-Men-Committee. The said Om Prakash was junior to him, and, therefore, his appointment ought not to have been regularized.

6. It is specifically stated in paragraph 10 of the writ petition that Five-Men-Committee found petitioner's appointment forged. Therefore, the service of the petitioner was not regularized. The petitioner did not challenge the finding of Five-Men-Committee.

7. At this stage, the petitioner cannot raise any grievance on the ground that the appointment of another candidate, junior to him, was regularized.

8. For the reasons stated above, I do not find any merit in the instant writ petition.



9. Accordingly, the instant writ petition is dismissed,
on contest.

10. However, there shall be no order as to costs.

(Bibek Chaudhuri, J)

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