

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9992 of 2016

Om Prakash Son of late jay Prakash @Kamalji Resident of Village- Purohit Niwas
Dumka

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Health Department of Bihar Government Patna.
3. The Joint Secretary, Health Department , Govt. of Bihar, Patna.
4. The Joint Secretary, Governor Secretariat, Patna.
5. The Superintendent , Nalanda Medical College Hospital Patna.
6. The Principal, Nalanda Medical College Hospital Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kulanand Jha, Advocate
For the Respondent/s : Mr. Manikant Mishra- Gp25

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

Date : 20-11-2024

Heard learned counsel for the parties.

2. The petitioner, who claims to have been appointed on the post of Peon at pay scale 4 in the Nalanda Medical College & Hospital in the year 1976 and assigned duty in the cycle stand by the college authorities, has filed this writ petition seeking a direction to pay salary to the petitioner for the period 02.08.1976 to 05.08.1977.

3. The respondent No. 5 / Superintendent, Nalanda Medical College & Hospital has filed a counter affidavit, wherein, it has been stated that the petitioner was neither appointed as a Peon nor he was assigned work in the cycle stand of Nalanda Medical College & Hospital. Accordingly, it is the stand of the respondent No. 5 that since the petitioner was neither appointed as



Peon nor assigned work in the cycle stand of the Nalanda Medical College & Hospital, the petitioner is not entitled to salary.

4. Though, the counter affidavit by the respondent No. 5 was filed on 28.11.2018, the petitioner has not filed any rejoinder denying the correctness of the statements made by the respondent No. 5 that the petitioner was neither appointed as Peon in Nalanda Medical College & Hospital nor he was assigned duty in the cycle stand of the Nalanda Medical College & Hospital.

5. Under the circumstances, the petitioner has not been able to prove that he was appointed as a Peon in the year 1976 in the Nalanda Medical College & Hospital and he was assigned duty in the cycle stand of the Nalanda Medical College & Hospital by the college authorities.

6. In view of the above, no direction as prayed for by the petitioner in the writ petition can be given to the respondents. Accordingly, the writ petition is dismissed being devoid of merit.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.11.2024
Transmission Date	NA

