

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14749 of 2014

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Ram Sheela Kumari wife of Arvind Kumar Yadav resident of Village -
Sawajpura, P.S. - Mahendia, District - Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Government of Bihar.
2. The Director-in-Chief, Health Department, Government of Bihar, Patna.
3. The Registrar, Bihar Nurses Registration Council, Bihar, Patna.
4. The Chairman Cum Secretary, State Health Committee, Patna.
5. The Secretary Cum Civil Surgeon District Health Committee, District - Arwal.
6. The District Magistrate Cum Chairman District Health Committee, District - Arwal.
7. The Incharge Medical Officer, Primary Health Centre, Arwal / Karpi / Kaler, District - Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arvind Prasad Singh, Advocate
For the Respondent/s	:	Mr.Kumar Manish, SC 5
		Mr.Kumar Pankaj, AC to SC 5

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-07-2024 Heard Mr. Arvind Prasad Singh, learned counsel

 appearing on behalf of the petitioner and Mr. Kumar Manish

 (SC 5) along with Mr. Kumar Pankaj (AC to SC 5), learned

 counsels for the respondents/State.

 2. The petitioner in paragraph no. 1 of the present writ

 petition has sought *inter alia* following relief(s), which is

 reproduced hereinafter:

"That this is an application praying for issuance of a
writ/writs mandamus or appropriate in nature for
quashing the order of termination dated 12.04.2013



passed by the Civil Surgeon cum Member Secretary District Health Committee Arwal without given opportunity to the petitioner to file show cause whereby and whereunder the petitioner has been terminated from service from the post of A.N.M. who was posted at Health Sub Centre Keyal, Prakhand Karapi, District Arwal, the termination letter has been issued by the respondents without perusing the certificate issued by the Bihar Nurses Council in order dated 12.04.2013 that in course of extension of contract period of the petitioner found differences of validity date ten years in registration of the petitioner for A.N.M. whenever there is no such differences in validity date in registration of A.N.M. of the petitioner and as well as for direction to the respondents to give permission to discharge duty as usual at health sub centre Keyal (Karpi) on the post of A.N.M. with financial benefit from the date of termination of the petitioner.”

3. Learned counsel appearing on behalf of the petitioner submitted that petitioner is bounded by the terms and conditions of the contract and the cancellation of contract resulting into termination of her service cannot be interfered with, however, the adverse remark contained in termination order dated 12.04.2013 contained in Memo No. 303 to the extent that 'there is ten years difference in validity date in nurses registration certificate' and the same may be directed to be deleted considering the fact that no proper inquiry was held in the case of the petitioner even though the mandate of law require the same in case of contractual employees, as well, and for same, she seeks to file detailed representation before the Director-in-Chief, Health Department, Government of Bihar,



Patna.

4. Considering the limited relief sought for by the petitioner, the petitioner, if so advised, may file a detailed representation before the Director-in-Chief, Health Department, Government of Bihar, Patna for the relief(s) as prayed for in the present writ petition along with all the supporting documents and law in her favour. The Director-in-Chief, Health Department, Government of Bihar, Patna, is directed to dispose of the representation of the petitioner within a period of six weeks from the date of filing of the representation, in accordance with law.

5. With above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

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