

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18923 of 2011

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1. Hasibur Rahman, Son of Hafizur Rahman Resident of Village Mirjapur Karbara, P.S. Mehasi, District East Champaran.
 2. Arun Kumar Singh, Son Of Late Braj Kishor Singh @ Braj Nandan Singh Resident of Village Madhopur Gobind, P.O. Mehasi, P.S. Chakiya, District East Champaran.
 3. M. Ehsan Ali Son of Md. Januddin Resident of Village Mirjapur Karbala, P.O.+P.S. Mehasi, District- East Champaran.
 4. Shashi Bhushan Thakur @ Shashi Bhushan Prasad Son of Sulsabad Barharwa P.O.+P.S. Mehasi, District East Champaran.

... .. Petitioner/s

Versus

1. The Union of India through Principal Secretary (health and Family Welfare Department), Central Secretariat, New Delhi.
2. The State of Bihar through the Principal Secretary, Health and Family Welfare Department, Govt. Of Bihar, Patna.
3. The Health Commissioner-Cum-Secretary, Govt. Of Bihar, Patna.
4. The Director-In-Chief-Health Services, Bihar, Patna.
5. The Chief Malaria Officer, Bihar, Patna.
6. The Joint Director Health Services-Cum-State Programme Officer, Malaria, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Jang Bahadur, Advocate
For the State	:	Mr. Amit Bhushan, AC to GP-17
For the U.O.I.	:	Mr. Awadhesh Kumar Pandey, Advocate
		Mr. Lokesh, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 17-10-2024

Heard learned counsel for the parties.

2. The petitioners, four in numbers, have filed this writ petition seeking a direction to the respondent authorities for disposal of the representation filed for appointments /regularization on the various posts in the Department of Health



(Malaria), who had been terminated by Teleprinter Message No. 769(5) Health dated 31.08.1989 issued by the Health Commissioner, Bihar, Patna.

3. Respondent nos. 2 to 4 have filed a counter affidavit, wherein, in paragraph nos. 4 and 5, thereof, it has been stated that one Dr Diwakar Narayan, the then Chief Malaria Officer, Bihar Patna, made a number of appointments including the petitioners on Class-III and Class-IV posts without following any rules/procedure prescribed for making such appointment. Therefore, respondent-State started enquiry with regard to validity of all such appointments made by him and issued show cause notices to all concerned persons including the petitioners.

4. In pursuance to the said show cause notice, the petitioners submitted their reply before the Director, Health Services, Bihar, Patna, who, on examination of the matter in all aspects including the reply to the show cause notices submitted by the petitioners, came to a conclusion that Dr. Diwakar Narayan, the then Chief Malaria Officer, Bihar, Patna, had made various illegal appointments including the petitioners herein without following rules/procedure prescribed in this regard and accordingly the representations filed by the petitioners in this



regard were rejected and the appointments have been cancelled from the date of their issuance. The reasoned order passed in this regard have been issued vide Memo No. 141 (11) dated 26.03.2001 under the signature of Director, Health Services and the same has been communicated to all concerned including the petitioners.

5. The aforesaid Memo No. 141 (11) dated 26.03.2001 issued by the Director, Health Services has also been enclosed as Annexure-A to the counter affidavit filed by the respondent nos. 2 to 4.

6. Under the aforesaid circumstances, I find that the grievances of the petitioners raised in this writ petition has been redressed by the respondent authorities by disposing off the representations filed, vide Memo No. 141 (11) dated 26.03.2001 issued by the Director, Health Services.

7. In that view of the matter, this writ petition stands disposed off.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17/10/2024
Transmission Date	N/A

