

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11453 of 2024

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Mukul Thakur S/o Mahaveer Thakur, resident of Hajiyapur, Ward No. 9, P.S.-
Gopalganj, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Director in Chief, Health Services, Govt. of Bihar, Patna.
5. The Medical Officer, Bihar Special Armed Police, Command Hospital-14, Vetenari College, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh, Adv.
For the Respondent/s : Mr.Advocate General

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Counsel for the petitioner submits that the present writ petition has been filed for issuance of writ in the nature of mandamus and directing the respondents authorities to consider the case of the petitioner for appointment on contractual basis as Pharmacist in view of resolution contained in Memo No. 10000 Dated 10.07.2015 issued by the General Administration Department, Govt. of Bihar, Patna by which there is provision for appointment of retired employees on contractual basis, particularly when the post of Pharmacists are already vacant and



the work of Pharmacist is being taken from unskilled persons which is contrary to provision of Drugs and Cosmetic Act.

3. Counsel submits that the application of the petitioner is pending for consideration from 25.05.2023. He further submits that vide Annexure-6 of the writ petition, he has submitted his application form in the light of the resolution issued by the General and Administrative Department dated 13.02.2023 with regard to Memo No.10000 dated 10.07.2015. Counsel further submits that he is well aware that for the appointment of employees in contractual basis, there is no right, but he put emphasis that since Government has itself issued a Circular from General and Administrative Department which creates right in this case, therefore he has filed the present writ petition.

4. Counsel further submits that for a person to be appointed on contract, there is no right vested for anybody.

5. In the light of the submissions made, it transpires to this Court the contention of the State is correct, but when a Circular has been made by the Government in which guidelines have been fixed and if the petitioner come within that purview, then there is no reason that why the State shall not consider the case of the petitioner, and if not, the State is bound to pass a



reasoned and speaking order in this regard.

6. However, the petitioner is directed to file representation before the respondent No.2 (the Additional Chief Secretary, Health Department, Government of Bihar, Patna) who will consider the case of the petitioner in the light of the Circular issued by the General Administrative Department dated 13 February, 2023 which is notified in Bihar Gazette, within 90 days from the date of filing of his representation.

7. With the aforesaid direction, the present writ application is hereby disposed off.

(Dr. Anshuman, J.)

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