

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13421 of 2024**

Chandan Kumar Lal Son of Arun Kumar Lal, resident of Panjabi Colony, Gali No. -1, Dharmpur, Ward No. -1, PS-Samastipur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Health, Government of Bihar, Patna.
2. The State Health Society through its Executive Director, Parivar Kalyan Bhawan, Sheikhpura, District-Patna.
3. The District Magistrate cum the Chairman of the District Health Society, Samastipur, District-Samastipur.
4. The Civil Surgeon cum Member Secretary, District Health Society, Samastipur, District-Samastipur.
5. District Program Manager, District Health Society, Samastipur, District-Samastipur.
6. The In-Charge Medical Officer, Primary Health Centre, Vidyapatinagar, District-Samastipur.
7. Urmila International Services Pvt. Ltd. through its Director, 31/A, First Floor, Banke Bihari Sadan, Boring Road, P.S. S. K. Puri, Patna 800001

... .. Respondent/s

**Appearance :**

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|----------------------|---|----------------------------|
| For the Petitioner/s | : | Mr. Niraj Kumar, Advocate  |
| For the Respondent/s | : | Mr. Sarvesh Kumar, G.P.-24 |
| For Respondent No.2  | : | Mr. K.K. Sinha, Advocate   |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

**ORAL JUDGMENT**

**Date : 09-09-2024**

Heard learned counsel for the petitioner, learned counsel for the State Health Society and learned counsel for the State.

2. The present writ petitioner has been filed for the following reliefs:-



I. For issuance of writ in the nature of Certiorari setting aside the office order contained in Memo No. 170 dated 10/05/2024 issued under the joint signature of respondent Nos. 4 and 5 whereby **without hearing the petitioner and without considering the fact that the petitioner's appointment was made by District Health Society under NRHM scheme not by or under Rogi Kalyan Samiti**, directed Respondent No.-6 to terminate the service of the petitioner after giving him one month notice.

II. For issuance of a Mandamus directing the respondents to allow the petitioner to discharge his duty as Data Operator in Primary Health Centre, Vidyapatnagar, because respondent No.-6 asked the petitioner not to make his attendance with effect from 20/06/2024.

III. For Issuance of Mandamus directing the respondents to make



payment of the petitioner's monthly salary regularly and arrears of salary after granting all due increments like others similarly situated persons appointed under the National Health Scheme are being paid.

IV. For other relief or reliefs for which the petitioner is being found entitled under the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that the petitioner has earlier moved before this Hon'ble Court in CWJC No.4978 of 2022, which was disposed off vide order dated 06.12.2023 with the operative part, which reads as under:-

*“At the outset, the learned counsel for the petitioner has limited his prayer for issuance of a direction upon the respondents to pay the admitted outstanding wages for the period the petitioner has worked and to that extent he seeks a direction upon the respondent-authorities. It is directed, accordingly.*

*The writ petition stands*



*disposed off as not pressed.”*

4. Learned counsel further submits that the Civil Surgeon-cum-Member Secretary, District Health Society, Samastipur, has passed order contained in Memo No.170 dated 10.05.2024 and rejected the case of the petitioner directing that his services have been directed to be terminated after giving one month notice. Counsel submits that this order is absolutely illegal due to the reason that the petitioner is not the appointee of Rogi Kalyan Samiti. He submits that his appointment has been made in the light of advertisement made by the District Health Society, Samastipur, on the post of Office Assistant. He was directed to join vide Annexure-P/3 and in continuation of his work, service book was also opened. He submits that direction which has been mentioned in Annexure-P/10 that his service be continued through Outsourcing Agency is bad-in-law. In this regard he has also filed representation stating therein that such direction is absolutely illegal.

5. Learned counsel for the Bihar Health Society, on the other hand, submits that initially petitioner's service was not terminated; rather he was directed to continue his service only through Outsourcing Agency as per the policy of the State. He further submits that initially appointment was also of one



year only, but subsequently as a policy matter it has been decided that the services shall continue through Outsourcing Agency and option has been provided to the petitioner to continue his service through Outsourcing Agency, which he has not opted and filed writ petition before this Court in CWJC No.4978 of 2022 in which order had been passed on 06.12.2023. He further submits that the prayer made in the said writ petition (CWJC No.4978 of 2022) by the petitioner has substantially the same which has been made in the present writ petition. He submits that this Hon'ble Court in the earlier writ petition had only directed the respondent to pay the admitted outstanding wages for the period the petitioner had worked. Counsel submits that in the present writ petition Annexure-P/15 has been challenged and reference of Memo No.127 dated 29.05.2021 has been mentioned and the said letter bearing Memo No.127 dated 29.05.2021 is the subject matter of Annexure-A/10 that is letter No.201/BPMU dated 29.05.2021. The same letter has been challenged in the earlier writ petition on which no relief has been granted.

6. In this view of the matter that the said letter has already been tested by this Hon'ble Court earlier and in that light the petitioner had restrained himself not to press the earlier



writ petition. Due to this reason, the grievance of the petitioner had been tested by this Hon’ble Court in CWJC No.4978 of 2022, this Court has no option but to dismiss the present writ petition. Hence, this writ petition stands dismissed.

**(Dr. Anshuman, J)**

Mkr./-

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| AFR/NAFR          | NAFR       |
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