

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14894 of 2024

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Dr Quamruzzaman, S/O Late Zainul Abedin Mastana R/Vill- Basantpur, P.O.
and P.S.-Mainatand Ward No- 14, Dist-West Champaran Pin-845306

... .. Petitioner/s

Versus

1. The State of Bihar through The Addl. Chief Secretary cum Executive Officer, State Health Society, Bihar
2. District Magistrate cum President , District Health Society, West Champaran
3. Civil Surgeon cum Member Secretary , District Health Society, West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Advocate Mr.Rakesh Kumar Mishra, Advocate
For the SHSB	:	Mr. Aditi Kumar, Advocate
For the State	:	Mr. Sanjay Kumar, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-09-2024 Heard Learned Counsel for the petitioner, Learned Counsel for the State, and Learned Counsel for the State Health Society, Bihar, Patna.

2. The present Writ Petition has been filed for a direction to the respondent authority to reinstate the petitioner in service till attaining the age of 67 years which is the base year for the retirement of any serving doctor who was appointed on contract basis under the National Rural Health Mission.

3. Learned Counsel for the petitioner submits that the petitioner's services have to be extended till attaining the age of 67 years. He further submits that any serving doctor who was



appointed under the National Rural Health Mission is entitled to continue up to the age of 67 years.

4. Learned Counsel for the State Health Society, Bihar, Patna raised a preliminary objection and submitted that Annexure P/2-A, Letter dated 05.02.2023 has been annexed by the petitioner himself in the Writ Petition. From perusal of the said letter, it reflects that as per the provisions contained in the rules and regulations of State Health Society, Bihar, the Executive Director, State Health Society, Bihar is the competent authority to extend the tenure of eligible workers under National Health Mission after 60 years or till the age of 67 years. According to the said Rule, the petitioner ought to have made available his proposal for extending the contract period one month before the completion of the contract period, but instead thereof, the petitioner made available his Personal Appraisal Report after the lapse of 32 months of the contract. It further reflects that the decision not to extend the petitioner's contract has been communicated to him vide the said letter.

5. From hearing the parties, it transpires to this Court that an order which may be right, wrong, or non-jurisdictional, but it is against the petitioner, has not been challenged by him anywhere. He ought to have challenged the said order first



before the appropriate authority, then he should come before this Court.

6. As such, the Writ Petition is disposed off granting liberty to the petitioner that if so advised, he may challenge the order dated 05.12.2023, contained in Annexure P/2-A before the appropriate forum, in accordance with the law.

7. With the aforesaid observation and direction, the Writ Petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

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