

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15165 of 2024

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Bhagwan Prasad Verma, son of Awadhesh Prasad Verma, Resident of near UTI PAN Centre, Kayasth Tola Purab Bazar, Kahara, P.O. and P.S. Saharsa, District Saharsa, the then District Programme Manager, District Health Society, Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum- Chief Executive Officer, State Health Society, Bihar, Patna.
3. The Executive Director, State Health Society, Bihar, Patna.
4. The Deputy Secretary-cum-Incharge, Human Resources, State Health Society, Bihar, Patna.
5. The District Magistrate -cum- Chairman, District Health Society, Katihar.
6. The Civil Surgeon-cum- Member Secretary, District Health Society, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Singh, Advocate
For the Respondent	:	Mr.Samir Kumar, AC to GP 20
For the Respondent No.3:	:	Mr.K.K.Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 05-10-2024 The petitioner was an employee of District Health Society, Katihar. He worked as District Programme Manager of the District Health Society, Katihar, till 64 years. It is to be stated that the initial appointment of the petitioner was on contractual basis.

2. Rule 10 of the Human Resource Manual Rules and Regulations, 2021, issued by the State Health Society states that initial appointment of contractual employees shall be for 11 months which may be extended to continue till he/she attains 60



years of age on signing of fresh agreement and subject to-

a) Satisfactory performance evaluated by the competent authority.

b) Continued requirement of the position by the society, and

c) Approval of the position by the Government of India in ROP of National Health Mission and availability of fund for the concerned position.

3. The employment age of contractual employee may be extended up to 65 years subject to sound health, integrity being above board & satisfactory job performance depending upon continued requirement of the posts, approval thereof by GOI in ROP of NHM and availability of fund for the concerned posts. The services of contractual doctors can however be extended up to 67 years of age.

4. The powers to extend/renew Contractual Employee Service Agreement are vested with the Executive Director of SHSB.

5. It is contended by the petitioner that the District Health Society, Katihar considered the past work of the petitioner and his physical fitness. Thereafter, it was found by the Civil Surgeon-cum-Member Secretary, District Health



Society, Katihar that the petitioner, District Programme Manager, District Health Society, Katihar, found to be medically fit and worked satisfactorily during his period of service and therefore he was recommended for extension of contract till 65 years of age.

6. However, the Deputy Secretary-cum-Incharge of Human Resource Department, State Health Society, wrote a letter on 8th of August, 2024 to the Civil Surgeon-cum-Member Secretary, District Health Society, Katihar, alleging, inter alia that performance of District- Katihar in respect of the works of State Health Society was not at all satisfactory during the tenure of the petitioner. For such reason, the function of District Programme Manager, Katihar was also not satisfactory.

7. The petitioner has submitted a representation (Annexure-P-10) against the aforesaid order passed by the Deputy Secretary-cum-Incharge of Human Resource Department, State Health Society, before the Additional Chief Secretary, Department of Health-cum-Chief Executive Officer, State Health Society, Bihar, Patna, stating his grievances that the observation and finding of the Deputy Secretary-cum-Incharge cannot stand in the light of the opinion communicated by the Civil Surgeon-cum-Member Secretary, District Health Society,



Katihar on 4th of July, 2024. However, the said representation has not been considered as yet.

8. The Chief Executive Officer (Respondent No. 2) is directed to dispose of the representation (Annexure-P-10) filed by the petitioner in accordance with law by a reasoned and speaking order taking into consideration the aforesaid to contradictory letters in one of which the petitioner was declared to fit for extension of contract up-to 65 years and in the other his performance was held to be unsatisfactory.

9. The aforesaid representation (Annexure-P-10) shall be disposed of within 60 days from the date of this order.

10. With the above direction, the instant writ petition is disposed of.

11. It is made clear that this Court does not take into consideration the merit of the case while passing the above order.

(Bibek Chaudhuri, J)

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