

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17633 of 2024

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Piyush Kumar son of Ramanand Pd. resident of Village-Kalibazar, Ward No. 14, P.S.-Araria Town, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Principal Secretary General Administration Department, Govt. of Bihar, Patna.
3. The District Magistrate cum President, District Health Society, District-Araria, Bihar.
4. The Civil Surgeon cum Member Secretary, District Health Society, District-Araria, Bihar.
5. The Deputy Collector (Establishment), Araria, Bihar.
6. The State Health Society, through its Executive Director, Sheikhpura, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vatsal Verma, Adv.
For the Respondent/s	:	Mr. Advocate General
For State Health Society	:	Mr. K.K. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-11-2024 Heard the parties.

2. The petitioner has approached this Court for following reliefs:

“1. That the present writ application is being filed for issuance of Writ in the nature of Certiorari or any other appropriate Writ, Order, direction, quashing the Memo No. 537 dated 07.04.2021 (Annexure P/1), issued by the Respondent No. 4, whereby the contractual service of the Petitioner on the post of Executive Assistant has been reverted back to the panel on the ground that as per the instruction received from the Respondent No.6 data centre will be operated by selected agency and no funds will be disbursed for payment to Executive Assistants to the District. The Petitioner further prays for a



consequential Writ of Mandamus commanding the Respondents to reappoint the Petitioner on the contractual post of Executive Assistant, in view, of the fact that similarly situated executive assistance who were working in other district have been re-appointed and even this Hon'ble Court in CWJC No. 4028 of 2020 has specifically directed the District Magistrate, Araria to appoint the Executive Assistant from the panel prepared by the district and till the district panel is not exhausted no other person shall be considered for appointment on the post of Executive Assistant, as such the Petitioner is entitle for being considered for re-appointment on the said post. However, the Respondent are making appointment through the BELTRON overlooking the candidature of the Petitioner. The Petitioner in alternative seeks the direction upon the Respondent No. 3 to decide the detail representation dated 16.08.2024 of the Petitioner whereby he has request for his reappointment on the post of Executive Assistant."

3. Learned Advocate for the petitioner contended that the petitioner was duly appointed vide Memo No. 508 dated 28.06.2019 on the post of Executive Assistant on contractual basis. While the petitioner was discharging his duty in the Office of Civil Surgeon, Araria all of a sudden vide Memo No. 537 dated 07.04.2021, he has been reverted to the district panel on the ground that as per the instruction received from the respondent no. 6 data center will be operated by selected agency and no funds will be disbursed for payment to Executive Assistants to the District Health Society. Similar instances have taken place in different districts including the District of Sitamarhi and Munger, wherein, on the similar reason the



Executive Assistants have been reverted to the district panel. On being aggrieved, they approached before the concerned District Magistrate. The District Magistrate of the concerned District taking note of the grievance of the Executive Assistants reinstated them again on the post of Executive Assistant. Reliance has also been placed on the office order as contained in Memo No. 3/9 dated 29.01.2024 marked as Annexure-8 to the writ petition.

4. On the aforesaid background, the petitioner also file several representations before the Civil Surgeon-cum-Chief Medical Office as well as the District Magistrate, Araria which are still pending consideration and have not been finally disposed of as yet.

5. On the other hand, learned Advocate for the State as well Bihar State Health Society submitted that admittedly, the petitioner was appointed on contractual basis for a prescribed period; and on the reason aforenoted, he has been reverted to the district panel.

6. Considering the submissions advanced on behalf of the learned Advocates for the respective parties and the averments made in the writ petition, especially the contention of the petitioner which is based on parity, the writ petition stands



disposed off with a direction to the respondent no. 3 to consider the representation of the petitioner dated 16.08.2024 as contained in Annexure 9 Series to the writ petition and bring to its logical conclusion after keeping in mind the averments made in the writ petition. It is expected that the final order on the representation of the petitioner shall be passed, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed off.

(Harish Kumar, J.)

Jyoti Kumari/-

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