

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1351 of 2024

Manoj Kumar Son of Ramprit Baitha, Resident of Mohalla- Magardahi, Near Don Bosco School, Ward No. 29, P.S.- Samastipur Sadar, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Secretary, Department of Health, Government of Bihar, Patna.
3. The Addl. Secretary, Department of Health, Government of Bihar, Patna.
4. The Special Executive Officer, Department of Health, Government of Bihar, Patna.
5. The Principal Jan Nayak Karpuri Thakur, Medical College and Hospital, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate
For the Respondent/s : Standing Counsel 6

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-02-2024 1. The present writ petition has
been filed seeking the following relief:-

"(i) To issue a writ in the nature of certiorari to quash the order (Communication) vide memo No.17/ Vivid-01-65/2023-1132(17) dated 02.11.2023 (Annexure-P/19) issued under the authority of Special Executive Officer, Department of Health, Government of Bihar, whereby and whereunder the representation seeking extension of service of petitioner working on contract basis on the post of Professor Department of P.S.M. at Jan



Nayak Karpuri Thakur Medical College, Madhepura (Hereinafter in short Medical College) has been rejected by relying upon the letter No.523 dated 07.07.2023 of the Principal of the said Medical College.

As also to quash the memo No.523/ Madhepura dated 07.07.2023 (Annexure-P/15) issued under the authority of Principal of the said Medical College.

As also to quash the memo No.252 dated 05.04.2023 (Annexure-P/13) dated 07.07.2023 issued under the authority of Principal of the College in reference the case of petitioner which is the list of extension of service of employees in which name of petitioner is not appearing; And the reply to the show cause respectively.

(ii) To hold and declare in terms of settled principle of service jurisprudence that a person working on contractual basis who has been appointed in the pipeline of the legal process on the sanctioned vacant post; whose service stands continued for more than 240 days; And has worked satisfactorily and continuously about four years; And whose appointment was made for full tenure of service on substantial permanent post; cannot be ousted from the service on mere verbal allegation having no substantial



documentary and oral evidence; And further all those allegations has to be proved in the stipulated departmental proceeding as envisaged in Bihar Service Code and Bihar C.C.A. Rules.

(iii) To issue a writ in the nature of mandamus directing the respondents to reinstate and restore the service of petitioner to its original status felicitating all consequential service benefit thereto."

2. After some arguments, the learned counsel for the petitioner seeks not to press the writ petition, however, seeks liberty on behalf of the petitioner to approach the respondent-authorities for redressal of his aforesaid grievance. Liberty, so sought, is granted.

3. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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