

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6257 of 2016**

1. Rajni Kant Sinha son of Mahesh Prasad Keshri, Resident of Village- MAY, PostP.S.- Parwalpur, District- Nalanda.
2. Jitendra Kumar son of Sri Chandeshwar Prasad, Resident of Village/Post- Bhaisasur, P.S.- Laheri, District- Nalanda.
3. Sanjay Kumar Keshri, son of Mahesh Prasad Keshri, Resident of Village/Post- Parwalpur, P.S.- Laheri, District- Nalanda.
4. Balgobind Prasad Singh, son of Sri Srichand Prasad Singh, Resident of Village/Post/P.S.- Telmar, District- Nalanda.
5. Mukesh Kumar, son of Sri Satish Prasad Singh, Resident of Village/Post- Sarya, P.S.- Bena, District- Nalanda.
6. Musafir Prasad, son of Sri Jagdish Mahto, Resident of Village- Pranchak, Post/P.S.- Rajauli, District- Nawada.
7. Nitish Kumar, son of Sri Devendra Singh, Resident of Village/Post- Narsanda, P.S.- Chandi, District- Nalanda.
8. Sanjay Kumar, Son of Sri Sanichar Mehta, Resident of Village- Kushhar, Post/P.S.- Bind, District- Nalanda.
9. Binu Kumari, daughter of Basudeo Singh, Resident of Village/Post/P.S.- Harnaut, District- Nalanda.
10. Sona Kumari @ Sona Devi, daughter of Suresh Prasad, Resident of Village/Post- Yogapatti, P.S.- Betiya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director-in-chief, Health Services, Govt. of Bihar, Patna
3. The Deputy Director, T.B.D.C., Health Services, Government of Bihar, Patna.
4. The Deputy Director, Health Services, Government of Bihar, Patna.
5. Ramautar Prasad, B.C.G. Technician Cum Typist, T.B.D.C. Headquarter, Agam Kuan, Patna-7, posted as
6. Ratindra Prasad Yadav, Lab Technician, T.B.D.C. Headquarter, Agam Kuan, Patna-7, posted at Patna Me

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar Verma, Adv.  
For the Respondent/s : Mr. Sheo Shankar Prasad, SC10

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

4      18-03-2025

Heard Learned Counsel for the petitioners and



Learned Counsel for the State.

2. Counsel for the petitioners submits that the present writ petition has been filed for directing the respondent authorities to reinstate the petitioners in their services of the Health Department with all consequential benefits.

3. Counsel further submits that the petitioners were appointed on the post by Dr. A.A. Mallick, the then Deputy Director Health Services (T.B.) Bihar, Patna. He further submits that the series of persons were removed on the ground that the said termination was illegal but some of the similarly situated persons, namely, Ramautar Prasad, Ratindra Prasad Yadav and Ram Narayan Mistry and other 8 persons were still working and continuous payment are being made to them. He further submits that the petitioners had filed representation before the authorities, but till date, no decision has been taken.

4. Counsel for the State on the other hand submits that a large number of illegal appointments had been made by Dr. A.A. Mallick on Class III and IV posts under the T.B. Scheme, Department of Health Government of Bihar, Patna. On enquiry, Health Department, Bihar found that all appointments made by Dr. A.A. Mallick were illegal, and therefore, common order of Health Department, Bihar, Patna, vide Memo No.528(11), dated



30.04.1993 were issued under the signature of Commissioner-cum- Secretary, Department of Health, Medical Education and Family Welfare, Bihar, Patna by which cancellation of all such appointments have been made.

5. Counsel for the State submits that those matters have been challenged upto to Hon'ble Supreme Court in case of **Ashwani Kumar & Ors. Vs. the State of Bihar & Ors.** reported in **1997 (2) SCC 1** in which the said removal has been approved.

6. Counsel further submits that in other cases, i.e., C.W.J.C. No.18447 of 2009 vide order dated 26.04.2010 and C.W.J.C.No.12732 of 2009 dated 15.12.2009 by which the appointment made by Dr. A.A. Mallick was found illegal and termination has been approved upto Hon'ble Supreme Court.

7. Counsel further submits that the order of termination has been passed in the year 1993 and after lapse of 23 years, the petitioners have filed representation in the year 2016.

8. In the light of submissions made, it transpires to this Court that the petitioners have opened their eyes after lapse of 23 years. As such, this Court is not inclined to grant any relief to the petitioners, and hence, dismissed.



9. With the aforesaid observations, the present writ application stands dismissed.

**(Dr. Anshuman, J.)**

Prakashmani/-

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