

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.63 of 2020

In
Civil Writ Jurisdiction Case No.10422 of 2016

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Pankaj Priya Chaubey Son of D.D. Chaubey, Resident of B - 7, Sadhnepuri,
Road No. 6 D, Gardanibagh, P.S. Gardanibagh, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. The Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Bihar State AIDS Control Society (BSACS), Patna through its Project Director, State Institute of Health and Family Welfare Building (SIHFW) Building, Sheikhpura, Patna.
4. The Project Director, Bihar State AIDS Control Society BSACS, SIHFW, Building Sheikhpura, Patna.
5. The Additional Project Director, BSACS, SIHFW Building, Sheikhpura, Patna- 14.
6. The In-Charge Establishment, BSACS, SIHFW Building Sheikhpura, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Sr. Advocate Mr. Jagannath Singh, Advocate
For the Opposite Party/s :		Mr. S.D. Yadav (Aag 9)
For the AIDS Society	:	Mr. K.K. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2025 Heard Mr. Abhinav Srivastava, learned Senior

counsel for the petitioner and Mr. K.K. Sinha, learned counsel

for the Bihar AIDS Control Society (BSACS) and Mr. S.D.

Yadav, learned counsel for the State.

2. The present petition has been preferred for grant of
following reliefs :-



“against the order dated 14.08.2019 passed in CWJC No. 10422/2016 (Pankaj Priya Chaubey Vs. State of Bihar & Ors) passed by Hon'ble Mr. Justice Shivaji Pandey.”

3. The petitioner, earlier moved before this Court in C.W.J.C No.10422 of 2016 (Pankaj Priya Chaubey v. State of Bihar & Ors) challenging the termination order dated 26.05.2016 issued by the In-Charge, Bihar AIDS Society, Patna (for brevity ‘Society’).

4. The matter was taken up by a Co-ordinate Bench of this Court (in C.W.J.C. No. 10422 of 2016 by Hon’ble Mr. Justice Shivaji Pandey, as his Lordship then was) on 14.08.2019 and the Court having taken note of the fact that the said entry of the petitioner was on the basis of selection made by three Men Committee, the qualification cannot be questioned.

5. In that background, though not interfering in the unsatisfactory remarks, the Court held that in future advertisement, the petitioner will be at liberty to apply for the said reliefs. :-

“Of course the period of contract is over in 2017, in such a situation, there is no need to adjudicate the issue of allegation of unsatisfactory work, but



the question of qualification cannot be ignored to be decided. This Court is of the view that as per the letter issued by the Institute of Rural Management Anand (IRMA) shows the nature of curriculum and course and the stream for imparting education in the PG Diploma as well as the selection has been made on interview by the three Men Committee, which has found the qualification of the petitioner to be the requisite qualification. In such circumstance, it cannot be said the petitioner was not holding proper and requisite qualification.”

6. Now, the review petition by the petitioner with the prayer that though he is satisfied with the said order, since the ‘Society’ has not come out with fresh advertisement and is continuing with the earlier appointments, his seat is still vacant, he has to be considered.

7. In the opinion of the Court, when he got the positive order by the writ court, asking for review on the said ground cannot be entertained.

8. Learned Senior Counsel submits that armed with the said order and since he has the knowledge that the fresh



advertisement/selection process has not been initiated and the vacancy created by his removal has still not been filled, the petitioner shall be approaching the appropriate authority along with the supporting documents and the order.

9. In view of the fact that an order was passed by the writ Court, the said liberty is/was always with the petitioner.

10. The review petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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