

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5641 of 2023

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Preeti Kumari Daughter of Bhupendra Prasad Yadav, Resident of Village-
Nandgram P.O. Dhamdaha, P.S.- Dhamdaha, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Health Department, Govt. of Bihar, Patna.
2. The Executive Director, State Health Society, Bihar, Patna.
3. The Commissioner, Purnea Division, Purnea.
4. The District Magistrate-Cum-Chairman, District Health Society, Purnea.
5. The Civil Surgeon Cum Member Secretary, District Health Committee, Purnea.
6. The Deputy Superintendent, Sub-Divisional Hospital, Dhamdaha, Purnea.
7. Smriti Raj, Feeding Demonstrator, N.R.C. Sadar Hospital, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravish Mishra, Advocate Mr. Parmanand Kumar, Advocate
For the Respondent/s	:	Mr. Ramadhar Singh, GP- 25

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 21-07-2025

Heard the parties.

2. The petitioner is aggrieved with the order, as contained in Memo No. 3026, dated 16.08.2020 passed by the Executive Director, State Health Society whereby the appeal preferred by the petitioner came to be rejected and the order of removal of the petitioner from the post of Feeding Demonstrator has been affirmed. The petitioner also sought quashing of the order contained in Memo No. 1440, dated 30.09.2020 issued by the Civil Surgeon-cum-Member Secretary, District Health



Committee, Purnea by which the petitioner has been removed from the post of Feeding Demonstrator without their being any justifiable reason.

3. Mr. Ravish Mishra, learned Advocate for the petitioner submitted that the petitioner was initially appointed on 01.11.2011 on the post of Feeding Demonstrator in Nutritional Rehabilitation Centre, Dhamdaha. Upon her joining on the post of Feeding Demonstrator, she had been regularly discharging her duty and in this regard a certificate was also issued on 23.05.2014 in favour of the petitioner. In the meantime, the work of the Nutritional Rehabilitation Centre (NRC) came to be closed and again it was started in the year 2017 and the petitioner again had been allowed to work on the post of Feeding Demonstrator. However, all of a sudden, in the year 2020 she has been removed from her post and in her place one Smriti Raj has been appointed as Feeding Demonstrator, N.R.C., Sadar Hospital, Purnea.

4. It is the contention of the learned Advocate for the petitioner that even though the petitioner had been discharging the post of Feeding Demonstrator on contractual basis, she cannot get replaced by another contractual employee, irrespective of the fact that her appointment was made through



advertisement. While removing the petitioner from aforementioned post, the respondent authorities failed to consider that she has put her 10 years of unblemished services to the Nutritional Rehabilitation Centre and thus she should also be allowed to participate in the advertisement or given some preference over the other candidate.

5. On the other hand, learned Advocate for the State Health Society has submitted that the petitioner was working as Feeding Demonstrator in Nutritional and Rehabilitation Centre, Dhamdaha, Purnea which was being run/managed by Sub-Divisional Hospital, Dhamdaha in PPP mode by an outsource Agency (Savera Agency), who continued to work there till 2014. Later on, the NRC under Sub-Divisional Hospital was shifted to Sadar Hospital, Purnia vide Memo No. 120, dated 10.05.2017. The petitioner was hired as Feeding Demonstrator by the outsourcing agency on temporary basis and later on regular appointment of Feeding Demonstrator was made after proper Advertisement no. 5 of 2019, whereafter the services of the petitioner has been dispensed with.

6. Having heard the learned Advocate for the respective parties, this Court is of the opinion that earlier the services of the petitioner was hired as Feeding Demonstrator by



an outsourcing agency i.e. Savera Agency and she had been temporarily discharging the services of Feeding Demonstrator for few years, but this is the admitted position that the petitioner has never participated against the Advertisement no. 5 of 2019, which was issued for appointment to the post of Feeding Demonstrator. On account of regular appointment having been made on the aforesaid post, respondent no.7 is duly appointed to discharge the duty of Feeding Demonstrator, long back in the year 2020 itself, albeit the present writ petition is filed after three years.

7. Since the petitioner failed to participate in the advertisement no.5 of 2019, her claim for re-engagement or consideration for appointment does not arise; besides there is delay in preferring the present application.

8. In view of the aforesaid fact, this Court does not find any merit in the writ petition. The present application stands dismissed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.07.2025
Transmission Date	NA

