

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.626 of 2025

In

Civil Writ Jurisdiction Case No.15368 of 2023

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The State Health Society Bihar, Swasthya Bhawan, Sheikhpura- Patna,
through its Executive Director.

... .. Appellant/s

Versus

1. Kanchan Kumar Mishra S/o Late Nand Kishore Mishra, Resident of Village Mahuli, Police Station Athmalgola, District- Patna.
2. The State of Bihar through the Principal Secretary, Health Department, Bihar, Patna.
3. The District Magistrate-cum-Chairman, District- Health Society, Jamui.
4. The Civil Surgeon-cum-Secretary, District Health Society, Jamui.
5. Sri Pawan Kumar, D.P.O., District- Health Society, Jamui.
6. Sri Brajesh Kumar, D.M.E., District Health Society, Jamui.
7. Sri Shashi Bhushan Pandey, currently posted as District Account Manager, District Health Society, Biharsharif, District- Nalanda.
8. Sri Anup Kumar Sinha, Hospital Manager, Sadar Hospital, Jamui.
9. Sri Bambam Kumar, Hospital Manager, Primary Health Centre, Block Lakshmipur, District- Jamui.
10. Sri Kumar Pankaj, B.C.M., P.H.C. Jhajha, District- Jamui.
11. Sri Shivam Kumar, Data Operator, P.H.C. Aliganj, District- Jamui.
12. Sri Gajendra Singh, Lab Tech, Hajipur Sadar Hospital (previously working as Hospital Manager in Jamui).

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. P.K. Shahi, Sr. Advocate Mr.Dr. Anand Kumar, Advocate
For the Respondent/s	:	Mr.Kanchan Kumar Mishra (In Person)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-10-2025

The appellant-State Health Society has assailed the order of the learned Single Judge dated 08.10.2024 passed in CWJC No. 15368 of 2023.

2. Matter was heard at length on 11.09.2025 and we have passed the following order:-

“Matter heard for some time question for consideration in the present LPA No. 626 of 2025 is whether respondent is entitled to 100% back wages or not? In the backdrop of the fact that he was initially appointed on contract basis and it was a tenure appointment and it was extended from time to time. Respondent’s service was terminated on 17.07.2013 on the alleged allegation that he was involved for certain criminal offences. He has failed to question the validity of termination order dated 17.07.2013 within the reasonable period of time. On the other hand, he had approached this Court for the first time in filing CWJC No. 14648 of 2018 and it was dismissed on the ground of delay and laches on 18.10.2022.

2. Feeling aggrieved by the order of the learned single judge he preferred LPA No. 687 of 2022 in which LPA Bench proceeded to dispose of LPA with an observation asking the respondent to submit representation. He had submitted representation on 27.04.2023 and it was rejected on 30.06.2023. Resultantly, he had filed yet another CWJC No. 15368 of 2023.

3. Learned Single Judge has directed for reinstatement and allowing 100% back wages. Appellants have reinstated the Respondent No. 1 – *Kanchan Kumar Mishra* on 31.01.2025. We have noticed the conduct of the respondent that he remained silent from 17.07.2013 till the year 2018 the date on which CWJC No. 14648 of 2018



was presented. Therefore, for the aforementioned period he is not entitled to back wages, for the remaining period from the date of filing CWJC No. 14648 of 2018 till reinstatement on 31.01.2025 at the best he is entitled to 50% back wages for the reasons that he is not a regular holder of the post, on the other hand, he was appointed on contract basis against tenure post. This is our *prima-facie* views.

4. At this juncture learned counsel for the respondent party in-person *Mr. Kanchan Kumar Mishra* seeks time to furnish certain judicial pronouncements to the extent that he is entitled to 100% back wages. He is permitted to produce those judgments on the next of hearing.

5. Re-list this case on 09.10.2025.”

3. Today, respondent party-in-person Mr. Kanchan Kumar Mishra could not satisfy this Court that he is entitled to more than 50 per cent of the back wages.

4. In the light of these facts and circumstances, the appellant-State Health Society is hereby directed to pay 50 per cent of the back wages to the respondent-Kanchan Kumar Mishra. To that extent, the order of the learned Single Judge dated 08.10.2024 passed in CWJC No. 15368 of 2023, stands modified.

5. Appellant-State Health Society is hereby directed to calculate from the date of filing of CWJC No. 14648 of 2018 till his reinstatement i.e. 31.01.2025 and pay 50 per cent of the back wages to the respondent-Kanchan Kumar Mishra within a period of four months from today.



6. With the above observation, the LPA stands disposed of.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.10.2025
Transmission Date	NA

