

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11128 of 2012

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1. Awadhesh Kumar Singh And Ors S/O Baidyanath Prasad Singh Resident Of Village- Datnar, P.S. Khajauli, District- Madhubani At Present Posted As Basic Health Worker, Additional Health Centre, Borha, Laelonia, District- Madhubani
 2. Anil Kumar Singh S/O Lal Bahadur Singh Resident Of Village- Khara, P.S. Udakishanganj, District- Madhepura At Present Posted As Basic Health Worker, Sub Health Centre, Jogia, Madhubani
 3. Motilal Chaudhary S/O Mahadeo Chaudhary Resident Of Village- Barhi, P.S. Jai Nagar, District- Madhubani At Present Posted As Basic Health Worker, Primary Sub Health Centre, Podma, District- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar And Ors Department Of Health And Family Welfare, Bihar, Patna
2. Director In Chief, Health Services, Bihar, Patna
3. The Civil Surgeon Cum Chief Medical Officer, Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma
For the Respondent/s : Mr.Shyam Kishor Sharma

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 04-08-2025

Heard learned counsel for the petitioners and

learned counsel for the State.

2. Counsel for the petitioners submits that the present writ application has been filed for quashing the order dated 15.02.2011 passed by One-Man Enquiry Committee, Patna in Case No.126 of 2010 and further for issuance of a direction to the respondents to reinstate the petitioners to their post.

3. Counsel further submits that One-Man Enquiry



Committee has reached evasively on this point that petitioners are not entitled for consideration and rejected the claim of the petitioners. He further submits that all petitioners have worked for 10 years, 12 years and 12 years, but removed from their service on the ground that their appointment is not valid.

4. Counsel further submits that the petitioners have moved earlier before this Hon'ble Court in C.W.J.C. No.7183 of 2006 and pleaded to sent the matter to the One-Man Enquiry Committee constituted under the order of this Hon'ble Court passed in LPA No.1623 of 2009 for consideration of case of the petitioners vide order dated 04.03.2010. He further submits that in the light of observation made by Hon'ble Single Judge, has moved before the One-Man Enquiry Committee, but the said Committee did not look into the entire entry in the service book and wrongly held that the petitioners were appointed by Civil Surgeon, Madhubani and service book was opened by Civil Surgeon, Darbhanga and Samastipur actually petitioner No.1 was appointed by Civil Surgeon, Madhubani, petitioner No.2 was appointed by Civil Surgeon, Darbhanga and petitioner No.3 was appointed by Civil Surgeon, Samastipur and later on petitioner Nos. 2 and 3 were transferred in Madhubani district by the order of the Regional Deputy Director, Health Service,



Darbhanga which was in the competent authority for transfer and entry in the service book clearly supports this fact and there is no question for any forgery or illegality.

5. Counsel further submits that the said Committee has not justified in holding that for basic health worker, training is necessary and no basic health worker in Bihar has got training prior to his service and nowhere it is stated about their qualification as trained and I.Sc. He further submits that the Enquiry Committee has rejected the case of the petitioners by order dated 15.02.2011 after committing error of record and therefore, the present writ petition has been filed.

6. Counsel for the State submits that the petitioners have no case at all. He further submits that a counter-affidavit has been filed and direction has been made in the writ petition that the petitioners' claim were placed before One-Man Enquiry Committee in Case No.126 of 2010, which was constituted in the light of the decision made in LPA. He further submits that even after rejection of the claim of the petitioners, without making documents, petitioners have not inserted a single chit of paper in the writ petition and by virtue of pleading, they want to plead their case.

7. Counsel further submits that in the writ petition,



every pleading made in the paragraph of the writ petition, has to be supported by the documents to be contained in annexures. He further submits that none of the documents, they have annexed in the writ petition and only on this ground, this writ petition may be dismissed.

8. After hearing the parties and upon perusal of the judgment passed by the One-Man Enquiry Committee, the findings for petitioner No.1 states as follows:-

“In view of the pronouncement of S.N. Jha J and the claim of Basic Health Workers in CWJC No. 2677 of 2003 I have not the least doubt that prior training was a basic qualification for appointment to the post of Basic Health Workers. The petitioner did not possess that qualification. He was therefore not qualified for the post.

The second infirmity is that absorption/regularization is not a mode of appointment. The petitioner had claimed that he was working as daily wage worker at Primary Health Centre, at Ghoghardiha and from there he was absorbed on the post of Basic Health Worker. Since absorption is not a mode of appointment and since the petitioner did not possess the necessary qualification, his service cannot be sustained. It was illegal on both counts. His application must be dismissed. It is rejected accordingly.”

9. It transpires to this Court that petitioner No.1



was not qualified on the post of Basic Health Worker and he has not availed any training. In view of the pronouncement made in CWJC No.2677 of 2003, a prior training was a basic qualification for appointment to the post of Basic Health Workers and petitioner did not possess the said qualification. The second infirmity which has been found by One-Man Enquiry Committee was that petitioner's claim as working on daily wage worker at Primary Health Centre at Ghoghardiha and from there, he was absorbed on the post of Basic Health Worker. It has been observed that the absorption is not a mode of appointment and since the petitioner did not possess the necessary qualification, his service cannot be sustained and It was illegal on both counts.

10. So far as the reasoning of petitioner No.2, the observation is that Annexure-1 which has been placed before One-Man Enquiry Committee, was considered as forged document and the petitioner was also not possess the training of Basic Health Worker and the process mentioned in Circular No.16440 dated 03.12.1980 was treated as illegal and his case was rejected.

11. In case of petitioner No.3, there is lack of 10 months training and his absorption from a daily wage worker to



the post of Basic Health Worker as he claims. It has been held that absorption or regularization is not permissible without following the rules of appointment. He claims to have been appointed by Chief Medical Officer, Madhubani by order dated 28.03.1987 by Civil Surgeon, Madhubani which basically shows that he has been appointed by the Civil Surgeon, Samastipur. Therefore, it was discrepancy and appointment was found illegal and the One-Man Enquiry Committee has considered all the appointment to be illegal.

12. Here in the present case, not a single chit of paper has been annexed in support of claim of the petitioners and therefore, this Court is completely agree on the findings of the One-Man Enquiry Committee report which is based on reasonings discussed above.

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

(Dr. Anshuman, J.)

Prakashmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

