

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1802 of 2022

1. Sagar Kumar son of Yogendra Kumar residence of village- Suraj Niwas, near Tata Hostel Ward- 05, Police Station- Madhepura, District- Madhepura
2. Navin Kumar son of Sudhir Kumar Yadav residence of village- Jhitkia Chatra Ward No.- 04, Police Station- Gwalpara, District- Madhepura
3. Abhay Kumar Anand son of Dinesh Prasad Sah residence of village- East of Head Post Office, Vidyapuri Ward No.- 18, Police Station- Madhepura, District- Madhepura
4. Nitish Kumar son of Dayanand Ram residence of village- Gosayi Tola Ward No.- 05, Tulsibar, Police Station- Madhepura, District- Madhepura
5. Manohar Kumar Mishra son of Lalan Kumar Mishra residence of village- Sukshan Dakhinwari Ward No.- 04, Police Station- Madhepura, District- Madhepura
6. Amit Kumar Amar son of Bijendra Mukhiya residence of village- Mudwala Utarbadi Ward No.- 04, Police Station- Mathahi, District- Madhepura
7. Pramod Kumar son of Upendra Mehta residence of village- Harirah Ward No.- 01, Police Station- Singheshwar, District- Madhepura
8. Lallu Kumar son of Triveni Prasad Yadav residence of village- Bhimpura Ward No.- 09, Manikpur, Police Station- Madhepura, District- Madhepura
9. Banti Kumar son of Bhishundeo Prasad Gupta residence of village- Subhas Chowk, Ward no- 17, Police Station- Madhepura, District- Madhepura
10. Md. Sad Danis son of Nishar Ahmad residence of village- Kustan, Police Station- Bihariganj, District- Madhepura
11. Binod Kumar son of Yogendra Yadav residence of village- Sonvarsha Ward No.- 05, Police Station- Sankarpur, District- Madhepura
12. Md. Rahaman son of Bhudham Safi residence of village- Jaluwar Ward- 07, Police Station- Ghamariya, District- Madhepura
13. Kundan Kumar son of Shatrughan Prasad Sah residence of village- Adarsh Nagar, Ward- 07, Police Station- Madhepura, District- Madhepura
14. Vande Mohan son of Purnanand Pathak residence of village- Pathak Tola, Madhukar Chak, Police Station- Bihariganj, District- Madhepura
15. Jivan Kumar Mishra son of ShashiKant Mishra residence of village- Rampur Kohra, Ward- 11, Police Station- Udakishunganj, District- Madhepura
16. Archana Kumari son of Niranjan Kumar residence of village- Laxmipur Mohalla Ward -16, Police Station- Madhepura, District- Madhepura
17. Ragini Ranjan son of Sambhu Sharan Bhartiya residence of village- Rajpur Ward- 13, Police Station- Madhepura, District- Madhepura
18. Priyambada Kumari son of Shatrughan Poddar residence of village- Azad Nagar Ward- 09, Police Station- Madhepura, District- Madhepura
19. Kumar Deep son of Shashikant Verma residence of village- Balua Kachhari Ward- 11, Police Station- Purnea, District- Purnea
20. Kumari Tanu son of Chandan Kumar residence of village- Ward- 14, Police



Station- Madhepura, District- Madhepura

21. Brajesh Kumar Sagar son of Diwakant Jha residence of village- Shukhasan, Ward No- 07, Police Station- Madhepura, District- Madhepura
22. Sahil Raj son of Sudhendu Kumar residence of village- Laxmipur Mohalla, Ward- 16, Police Station- Madhepura, District- Madhepura
23. Suman Kumar son of Maheshwar Prasad Sharma residence of village- Israin Goth, Israin Kalan Ward- 05, Police Station- Kumarkhand, District- Madhepura
24. Deepak Kumar son of Birendar Prasad residence of village- Laxmipur Mohalla Ward- 17, Police Station- Madhepura, District- Madhepura
25. Mithilesh Kumar son of Arun Yadav residence of village- Keotapatti Ward No.- 07, Abhwar, Police Station- Supaul, District- Supaul.
26. Ranjan Kumar son of Jagdish Ram residence of village- Bhelwa Ward- 02, Police Station- Gamhariya, District- Madhepura
27. Rohit Kumar son of Yogendar Prasad Sah residence of village- Gulazarbag Ward- 20, Police Station- Madhepura, District- Madhepura
28. Harshbardhan Raj son of Shivjee Prasad Gupta residence of village- Simrahi Bazar Ward- 05, Police Station- Raghapur, District- Supaul
29. Bijay Kumar Bimal son of Yogendar Prasad Yadav residence of village- Maharajganj, Ward- 15, Police Station- Bihariganj, District- Madhepura
30. Shuvam Kumar @ Shuvam Kumar Saurabh son of Umendra Kumar residence of village- Katharwa, Budhama, Police Station- Madhepura, District- Madhepura
31. Sakshi Kumari daughter of Balkrishna Kumar residence of village- Jagjeevan Path Ward- 13, Police Station- Madhepura, District- Madhepura
32. Neeraj Kumar son of Lalan Kumar Yadav residence of village- Adarsh Nagar Ward- 08, Police Station- Madhepura, District- Madhepura
33. Randheer Kumar son of Rajkumar Sharma residence of village- Bhishanpur Bazar, Tikuliya, Bhisampur Sundar, Police Station- Kumarkhand, District- Madhepura
34. Avinash Kumar son of Abhinandan Yadav residence of village- Anandpura Ward- 06, Police Station- Madhepura, District- Madhepura
35. Naina Kumari son of Victor Bhagat residence of village- Chandi Chowk, Bihariganj, Police Station- Bihariganj, District- Madhepura
36. Sunil Kumar son of Janardan Ram residence of village- Artaha Ward- 01, Police Station- Shankarpur, District- Madhepura
37. Vikram Kumar son of Ramnarayan Yadav residence of village- Garha, Ward No.- 07, Police Station- Shankarpur, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Bihar, Patna



2. The Principal Secretary, Health Department, Bihar, Patna
3. The Executive Director, State Health Society, Patna, Bihar
4. The Deputy Secretary-cum- In Charge H.R., Sanjivani, State Health Society, Patna, Bihar
5. The Director, Bihar Prashasnik Sudhar Mission Society, General Administration Department, Government of Bihar, Patna
6. The District Magistrate-cum-Chairman, District Health Society, Madhepura, Bihar
7. The Deputy Collector (Establishment), Madhepura, Bihar
8. The Civil Surgeon-cum- Member Secretary, District Health Society, Madhepura, Bihar
9. The District Program Manager, District Health Society, Madhepura, Bihar
10. The District Monitoring and Evaluation Officer, District Health Society, Madhepura, Bihar
11. Urmila International Services Pvt Ltd, through its Managing Director, having its address at 31/A, Banke Bihari Sadan 1st Floor, SK Puri Road, Boring Road, Patna India- 800001

... .. Respondent/s

Appearance :

For the Petitioners	: Mr. Parijat Saurav, Advocate
For the State	: Mr. Mujtabaul Haque, GP-12 Mr. Manish Kumar, AC to GP-12
For the State Health Society	: Mr. K. K. Sinha, Advocate
For the Resp. No.11	: Mr. Rajesh Ranjan, Advocate Mr. Md. Farooq, Advocate Mr. Akshay Tripathi, Advocate

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT**

Date : 30-06-2026

Heard learned counsel for the petitioners, learned counsel for the State Health Society, learned counsel for the State of Bihar and learned counsel for the respondent no.11.

2. The petitioners have filed the instant application for the following reliefs :-

“I. For issuance of a writ in the nature of Certiorari or any other appropriate



writ or order for quashing of decision of the respondent no. 3, the Executive Director, State Health Society, Patna, Bihar contained in letter no. 5065 dated 15/11/2021, whereby it is directed to terminate the contractual services of Executive Assistants and to be replaced by another contractual engagement with the respondent no. 11 private agency namely M/s Urmila International Services Pvt Ltd., as well as being in teeth of the policy of the state government contained in resolution no. 12534 dated 17/09/2018 and resolution no. 1003 dated 22/01/2021 of the General Administration Department, Govt of Bihar and the Memo No. 436 dated 23.2.2019, issued by the office of Bihar Prashasnik Sudhar Mission Society, General Administration Department, Govt of Bihar by which a decision was taken that the contractual appointment of the Executive Assistant by the Bihar Prashasnik Sudhar Mission Society shall be made for 60 years or till the tenure of the scheme comes to end, whichever is earlier, so that there is no necessity of renewing the contract every year.

II. For issuance of a writ in the nature of Certiorari or any other appropriate writ or order for quashing of order dated 07/12/2021 contained in letter no. 1471 dated 08/12/2021 issued by the respondent no. 8, the Civil Surgeon-cum-Member Secretary, District Health Society, Madhepura, Bihar, terminating the services of the petitioners who were working on



the post of Executive Assistants on contract basis, and has been replaced with contractual engagement with the respondent no. 11 private agency namely M/s Urmila International Services Pvt Ltd. from 10/01/2022 as well as being in teeth of the policy of the state government contained in resolution no. 12534 dated 17/09/2018 and resolution no. 1003 dated 22/01/2021 of the General Administration Department, Govt of Bihar and the Memo No. 436 dated 23.2.2019, issued by the office of Bihar Prashasnik Sudhar Mission Society, General Administration Department, Govt of Bihar by which a decision was taken that the contractual appointment of the Executive Assistant by the Bihar Prashasnik Sudhar Mission Society shall be made for 60 years or till the tenure of the scheme comes to end, whichever is earlier; and also for quashing of the letter no. 1478 dated 09/12/2021 issued by the respondent no. 8 and addressed to the respondent no. 6 reverting the petitioners back in the District panel of Executive Assistants.

III. For issuance of a writ in the nature of Mandamus or any other appropriate writ or order directing the respondents to reinstate the petitioners on their respective positions of Executive Assistants in the District Health Society, Madhepura.

IV. In alternate, for issuance of a writ in the nature of Mandamus or any other appropriate writ or order directing the



respondents to appoint / engage the petitioners on the post of Executive Assistants in other government offices /establishments.

V. Be pleased to restrain the respondents from taking work from respondent no. 11 Urmila International Services Pvt Ltd., during the pendency of the present writ petition.

VI. For issuance of any other appropriate writ, order or direction which Your Lordships may deem fit and proper in the facts and circumstances of the case including the cost of litigation.

VII. For issuance of a writ in the nature of Mandamus directing the respondent no. 3 and 4 to produce the records of selection/ appointment of respondent no. 11 private agency namely M/s Urmila International Services Pvt Ltd. and the consequential agreement entered between the respondent State Health Society, Patna Bihar and the respondent no. 11 for installation and operation of Data Management Units in all 38 districts in the state of Bihar, and thereafter the Hon'ble Court be pleased to issue writ in the nature of Certiorari or any other appropriate writ or order and be pleased to quash the said decision of selection/appointment of respondent no. 11 and the consequential agreement entered into between respondent no.11 and the State Health Society.

VIII. For issuance of a writ in the nature of Certiorari or any other appropriate writ or order for quashing of letter no.1187



dated 03/06/2020 (produced by the respondent no. 8 in its counter affidavit as Annexure-A) whereby the respondent no. 2 has informed and directed Civil Surgeon-cum-Member Secretary of all the District Health Societies in the state of Bihar, to replace the services of existing data entry operators with the services from respondent no. 11 M/s Urmila International Services Pvt Ltd with which the State Health Society has entered into contract.”

3. The case of the petitioners in brief is that the respondents having come out with an advertisement in year 2013 issued by the Bihar Prashasnik Sudhar Mission Society, General Administration Department, Government of Bihar for appointment on the posts of Executive Assistants on contractual basis, the petitioners applied and appeared in the written examination as also the skill test.

4. All the 37 petitioners herein were empanelled and were appointed on different dates between 29.11.2013 and 11.5.2018.

5. On demand from different departments, the empanelled candidates were posted in different departments. So far as the petitioners herein are concerned, they were appointed and posted in the District Health Society, Madhepura.

6. It is the case of the petitioners that the respondent



General Administration Department, Government of Bihar came out with a policy decision contained in resolution dated 17.9.2018 (Annexure-11) according to which a committee was constituted to make recommendations. It was recommended that the contractual appointments would be temporary and would continue till the continuation of the scheme or till regular appointments were made against the said posts. Besides these grounds, the contractual appointments would also come to an end on the service performed being unsatisfactory or the employee reaching the age of superannuation.

7. It is submitted by learned counsel for the petitioners that the policy of the General Administration Department as contained in the resolution dated 17.9.2018 and published in the Bihar Gazette (Extraordinary) on 18.9.2018 was adopted by the State Health Society vide memo no.2021 dated 26.6.2019 (Annexure-15). Accordingly letters were issued to the petitioners vide letter dated 4.12.2019 (Annexure-16 series).

8. Learned counsel for the petitioners submits that the State Health Society, Government of Bihar came out with a letter dated 15.11.2021 stating therein that the work of the data management unit would now be outsourced to Urmila International Services Private Limited (respondent no.11).



9. A letter dated 8.12.2021 (Annexure-19) was written to all the Deputy Superintendent, Sadar Hospital, Madhepura to terminate the services of the petitioners as henceforth all the Operators for carrying out the work would now be provided by the respondent no.11. Pursuant thereto by letter no.1478 dated 9.12.2021 (Annexure-20) of the Civil Surgeon-cum-Member Secretary, District Health Society, Madhepura, the services of 44 Executive Assistants of the District Health Society, Madhepura including the petitioners herein whose names found mentioned in the District Panel were sent back to the Establishment Deputy Collector, Madhepura.

10. It is against this order dated 8.12.2021 (Annexure-19) terminating the services of the petitioners and the order dated 9.12.2021 (Annexure-20) returning the services of the petitioners to the Establishment Deputy Collector, Madhepura that the instant writ application has been preferred.

11. Learned counsel for the respondent State Health Society submits that from the order of posting of the petitioners dated 20.12.2013 clearly mentions that the appointment was purely temporary and could be ended without any notice. It is submitted that it was as a result of a policy decision that the respondent no.11 was engaged to carry out the work of the State



Health Society as also the District Health Societies and consequent thereto the services of the petitioners were terminated and returned back to the Establishment Deputy Collector, Madhepura. It was further submitted that in similar matters this Court has sent the matter back for consideration before the respondent no.11 as also in some cases to the District Magistrate.

12. Reference may be made to the order dated 21.11.2024 passed in CWJC no.17633 of 2024 (Piyush Kumar vs. The State of Bihar & Ors.).

13. Having heard learned counsel for the parties and having perused the contents of the petition, taking into consideration that as per the policy decision of the State Government the services of the petitioners was to be continued till regular appointments were made on the said posts, till the scheme came to an end or the petitioners reached the age of superannuation, the list of contractual employees including the petitioners having been sent back by letter dated 9.12.2021 by the Civil Surgeon –cum– Member Secretary, District Health Society, Madhepura to the Establishment Deputy Collector, Madhepura, the instant writ application is disposed with the following directions :-



(i) The petitioners shall file their individual/separate representations within a period of four weeks from today before the District Magistrate, Madhepura, who shall consider the case of the petitioners in light of the case of similarly situated persons as also the policy decision of the General Administration Department, Government of Bihar and pass appropriate orders in accordance with law.

(ii) The District Magistrate shall decide the representations of the petitioners within a period of three months of the date of receipt/production of a copy of this order.

(iii) In deciding the representations of the petitioners, the District Magistrate shall take into consideration the case of similarly situated persons and the orders passed on their representations/applications.

14. The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.06.2026
Transmission Date	

