IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13529 of 2016

CNR No. BRHC010105142016

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Devendra Prasad Son of Late Balchand Prasad Retired Sanitary Inspector Primary Health Centre Patna Sadar Resident of Mohalla - Postal Park Road No. 2 Police Station Kankarbagh, District - Patna

... ... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary General Administrative Department Bihar, Patna
3. The Director in Chief of Health Services, Bihar, Patna
4. The Collector/District Magistrate Cum Chairman District Selection Committee Patna, District Patna
5. The Civil Surgeon Cum Chief Medical Officer, Patna, District Patna

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the State : Mr. Rajendra Prasad Sah, GA-21
For the Respondent/s : Mr. Pankaj Kumar- SC-12

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

2 20-11-2026 Heard learned counsel for the parties concerned.

2. The present writ application has been filed for the following relief(s):

"...(i) For issuance of an appropriate writ in the nature of certiorari for quashing the Annexure -14 passed by the Collector cum Chairman District Selection Committee, Patna, who has pleased to reject the appointment of the petitioner on contract basis after retirement on the post of Sanitary

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Inspector (Para Medical Staff), in Health Department in spite of recommendation given by the Civil Surgeon cum Chief Medical Officer Patna.

(ii) For issuance of an appropriate writ in the nature of mandamus for directing and commanding the Collector cum Chairman District Selection Committee, Patna to recommend the appointment of the petitioner on contract basis on post of Sanitary Inspector (Para Medical Staff) in health department in district Patna.

(iii) For issuance of any other appropriate writ/ writs, order/ orders, direction / directions for which the writ petitioner will be found entitled in the facts and circumstances of the case."

3. Learned counsel for the petitioner submits that the petitioner was retired from the post of Sanitary Inspector, Primary Health Centre, Sabalpur, Patna Sadar, on 31.01.2015, in light of Letter No. 19 dated 14.01.2015, issued by the Civil Surgeon-cum-Chief Medical Officer, Patna, which has been brought on record as Annexure-6.

4. Learned counsel appearing on behalf of the

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petitioner states that the application of the petitioner has been rejected by the respondent authority regarding his engagement on a contractual basis after retirement on the said post. Learned counsel for the petitioner further states that a writ of mandamus may be issued to the respondent for his appointment on a contractual basis.

5. On the other hand, learned counsel appearing on behalf of the respondent-State submits that the petitioner is seeking post-retirement engagement on a contractual basis, for which he has no legal or statutory right.

6. It is further submitted that two separate counter affidavits were filed on behalf of respondent nos. 4 and 5 and duly served upon learned counsel for the petitioner in the year 2017, but no rejoinder denying the statements made in the counter affidavits has been filed by the petitioner, even after the lapse of nine years.

7. In paragraph 5 of the counter affidavit filed on behalf of respondent no. 4, it is specifically mentioned that the application of the petitioner was earlier placed before the District Level Selection Committee, Patna, for its consideration. The District Level Selection Committee, Patna perused the application of the petitioner and it transpired that the post of

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Sanitary Inspector in Para Medical Staff is not mentioned in para 4 of the circular contained in letter no. 2804 dated 29.03.2010, therefore, it was decided to obtain guidelines from the General Administration Department, Bihar and also mentioned in paragraph 6 of the counter affidavit that application of the petitioner was again placed before the District Level Selection Committee, Patna for consideration. The guideline contained in letter no. 4337 dated 23.03.2015 issued by the General Administration Department, Bihar clarified that the application for appointment on contract basis after retirement of the employee for such post which is not mentioned in the list shall be rejected summarily and further also menetioned in the said para that it appears from the circular contained in Memo No. 10000 dated 10.07.2015 issued by the General Administration Department, Bihar that the Sanitary Inspector is not mentioned in the list for appointment on contract basis after retirement of the employee.

8. In paragraph 7 of the said counter affidavit, it has also been mentioned that the petitioner is not entitiled for his appointment on contract basis after retirement. Therefore, the District Level Selection Committee, Patna decided to reject the claim of the petitioner in its meeting dated 08.07.2016.

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9. Since the petitioner is seeking post-retirement engagement on a contractual basis and there is no legal or statutory right of the petitioner has been infringed of invaded. Further, the protection under Article 311 of the Constitution of India is not available to the petitioner. Since no legal or statutory right of the petitioner has been invaded, therefore writ application is not maintainable under Article 226 of the Constitution of India.

10. Accordingly, the present writ application stands dismissed.

(Girijish Kumar, J)

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