

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2752 of 2022**

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1. Rajeev Kumar Son of Ganesh Prasad Singh Mobile No. - 7903161707 Aadhar No. - 727958559292 Resident of Village - Pratappur, P.S. Karza, District - Muzaffarpur.
2. Ravin Kumar, Son of Ramsakal Prasad Mobile No. - 9973316794 Aadhar No. - 743456135741 Resident of Village - Majhauilya, P.S. - Minapur, District - Muzaffarpur.
3. Vikash Raj, Son of Jagdish Lal Mobile No. - 9955407566 Aadhar No. - 717235436477 Resident of Mohalla - Khabra Road, Chak Sen Ramna, P.S.- Sadar, Distt. - Muzaffarpur.
4. Ramesh Kumar, Son of Lalan Prasad Singh Mobile No. - 8210301241 Aadhar No. - 760303204016 Resident of Village - Pratappur, P.S. - Karza, District - Muzaffarpur.
5. Santosh Kumar, Son of Rama Shankar Prasad Yadav, Mobile No. - 9304429599, Aadhar No. - 671197287461 Resident of Village - Nandana Lautan P.S.- Minapur, District - Muzaffarpur.
6. Nisha Kumari, Wife of Divesh Kumar Singh, Mobile No. - 7254837732, Aadhar No. - 616690657771 Resident of Village - Sutihara Ram, P.S. - Parihar, District - Sitamarhi.
7. Ranju Kumari, Wife of Dharmendra Kumar, Mobile No. - 9631437489 Aadhar No. - 701856030581 Resident of Village - Somnaha Math, P.S. - Chakmehsi District - Samastipur.
8. Manjusha Kumari, Wife of Sudesh Kumar, Mobile No. - 7563954695 Aadhar No. - 298793600161 Resident of Village - Chapra Dharampur Jaddu, P.S. - Kanti, District - Muzaffarpur.
9. Shivansh Raj, Son of Rajeev Kumar Mishra Mobile No. - 9110178828 Aadhar No. - 440464748982 Resident of Village - Tepri, P.S. - Piyaar, District - Muzaffarpur.
10. Gunjita Rani, daughter of Rajeev Kumar Mishra Mobile No. - 9102612240 Aadhar No. - 333700975573 Resident of Village - Tepri, P.S. - Piyaar, District - Muzaffarpur.
11. Pankaj Kumar, Son of Shankar Bhagat Mobile No. - 960872987 Aadhar No. - 413481531887 Resident of Village - Gausi Bhagirath, P.S. - Kudhani, District - Muzaffarpur.
12. Soni Kumari, daughter of Mahesh Prasad Mishra, Mobile No. - 9801662108 Aadhar No. - 807891287525 Resident of Mohalla - Panchvati Colony, Majhauili Khetal, P.S. Sadar, District - Muzaffarpur.
13. Subhash Kumar Chaudhary Son of Ram Murti Chaudhary, Mobile No. - 9470716164 Aadhar No. 607148718376 Resident of Village - Panapur Khurd, P.S. - Kanti, District - Muzaffarpur.
14. Ritu Kumari Wife of Brajesh Pandey, Mobile No. - 6299784027 Aadhar No. - 565958289613 Resident of Village - Rampur Lakshmi, P.S. - Kanti, District - Muzaffarpur.
15. Adarsh Ranjan, Son of Naveen Kumar Mobile No. - 9955670704 Aadhar



- No. - 57155396886 Resident of Village - Rajapakar, P.S. - Sakra, District - Muzaffarpur.
16. Deepu Kumar, Son of Nagendra Sharma Mobile No. - 9576913752 Aadhar No. - 895336841725 Resident of Village - Kinaru, P.S. - Maniyari, District - Muzaffarpur.
17. Anita Kumari, Wife of Arun Kumar Sharma, Mobile No. - 9955670704 Aadhar No. - 670352543526 Resident of Mohalla - Jagatpuri Colony, Ramdayalu Nagar, P.S. - Sadar, District - Muzaffarpur.
18. Madhu Kumari Wife of Late Pradeep Kumar Chaudhary Mobile No. - 7050388244 Aadhar No. - 847965694068 Resident of Village - Mahanth Maniyari, P.S.- Maniyari, District - Muzaffarpur.
19. Santosh Kumar, Son of Jaglal Ram, Mobile No. - 952573208, Aadhar No. - 899704366693 Resident of Village - Dharmpur, P.S. - Sadar, District - Muzaffarpur.
20. Ranjeet Paswan Son of Shivshankar Paswan, Mobile No. - 9801518034, Aadhar No. - 602468262045 Resident of Village - Sharfuddinpur, P.S. - Bochahan, District - Muzaffarpur.
21. Pinki Kumari, Wife of Raghunath Prasad Singh, Mobile No. - 620183367 Aadhar No. - 362852868668 Resident of Village- Kharaunadih, P.S. - Kudhani, District - Muzaffarpur.
22. Madhu Kumari, Wife of Satish Kumar Mobile No. - 7070731846, Aadhar No. - 274330423227 Resident of Village - Bheriyahi Soti, P.S. Kanti, District - Muzaffarpur.
23. Neha Kumari daughter of Mahendra Kumar Mobile No. - 8340249048, Aadhar No. - 559890958276 Resident of Village - Sahbajpur, P.S. - Ahiyapur, District - Muzaffarpur.
24. Kalpana Kumari daughter of Prabhat Kumar Mobile No. - 7903161707 Aadhar No. - 616385839852 Resident of Village- Pratappur, P.S. - Karza, District - Muzaffarpur.
25. Rani Kumari, Wife of Satish Kumar Mobile No. - 8051321324, Aadhar No. - 906372219025 Resident of Village - Kharauna Dih, P.S. - Kudhani, District - Muzaffarpur.
26. Pallavi Kumari Wife of Hariom Kumar, Mobile No. - 9472408111 Aadhar No. - 471564788233 Resident of Village - Sherpur, P.S. - Sadar, District - Muzaffarpur.
27. Soni Kumari, Wife of Deepak Kumar Mobile No. - 7903161707, Aadhar No. - 309983307164 Resident of Village - Purushottampur, P.S. - Sadar, District - Muzaffarpur.
28. Rajesh Raushan Son of Sogendra Prasad Yadav, Mobile No. - 9708780707, Aadhar No. - 927935132851 Resident of village - Bisambharpatti, P.S. - Hathauri, District - Muzaffarpur.
29. Priyanka Kumari, Wife of Rajeev Kumar Mobile No. - 7903161707 Aadhar No. - 936074509055 Resident of Village - Pratappur, P.S. Karza, District - Muzaffarpur.
30. Aditya Anand, Son of Harishankar Singh Mobile No. - 8210584482 Aadhar No. - 296985943539 Resident of Village - Sahbajpur, P.S. - Ahiyapur



District - Muzaffarpur.

31. Dinanath Kumar, Son of Pashupati Sah Mobile No. - 9931991705 Aadhar No. - 726615289931 Resident of Village - Muradpur Dulla, P.S. - Ahiyapur, District - Muzaffarpur.
32. Rahul Kumar, Son of Madan Prasad Singh, Mobile No. - 7450501602 Aadhar No. - 668266346844 Resident of Village - Kokilwara, P.S. - Aurai, District - Muzaffarpur.
33. Shiv Kumar, Son of Ram Narayan Singh, Mobile No. - 9386521407 Aadhar No. - 507819991828, Resident of Village - Jarang Mllahtoli P.S. Gaighat, District - Muzaffarpur.
34. Aakriti daughter of Dinesh Prasad Singh, Mobile No. - 9576873723 Aadhar No. - 829550545611 Resident of Village - Karnaul Chaturbhuj P.S. - Sahebganj, District - Muzaffarpur.
35. Ranjan Prasad Son of Jasman Prasad Mobile No. - 9835942894 Aadhar No. - 809989717413 Resident of Village - Kharhar, P.S. - Minapur District - Muzaffarpur.
36. Abhay Kumar, Son of Arjun Singh, Mobile No. - 9939948225 Aadhar No. - 810489158560 Resident of Village - Bishunpur Pandey P.S. - Minapur, District - Muzaffarpur.
37. Sanjeev Kumar, Son of Shiv Shankar Sah, Mobile No. - 9973900609, Aadhar No. - 531180745997 Resident of Village- Gorigama, P.S. - Minapur, District - Muzaffarpur.
38. Sarita Kumari, Wife of Sanjiv Kumar, Mobile No. - 9939450210, Aadhar No. - 493141563506 Resident of Village- Berai, P.S. - Hathauri District - Muzaffarpur.
39. Diksha Kumari, Wife of Rajmohan Nayak Mobile No. - 7255069884 Aadhar No. - 865199643193 Resident of Village - Sahbajpur, P.S. - Ahiyapur District - Muzaffarpur.
40. Chanda Kumari Wife of Shatrughan Prasad Mobile No. - 00000000 Aadhar No. 671295508612 Resident of village - Mahdeiya, P.S. - Minapur District- Muzaffarpur.
41. Rakesh Kumar Son of Shambhu Bhagat Mobile No. - 7782814180, Aadhar No. - 374115502733 Resident of Village - Majhauliya P.S. - Jhaphan, District - Muzaffarpur.
42. Vibha Kumari Wife of Raskesh Kumar, Mobile No. - 7782814180 Aadhar No. - 876745260283 Resident of Village - Majhauliya, P.S. - Jhaphan, District - Muzaffarpur.
43. Kumari Preeti daughter of Anil Kumar Chaudhary Mobile No. - 7462873210, Aadhar No. - 353820638665 Resident of Village - Kharaunadih, P.S. - Kudhani, District - Muzaffarpur.
44. Satakshi Kumari, daughter of Sacheendra Kumar Chaudhary Mobile No. - 7779963734, Aadhar No. - 771413908057 Resident of Mohalla - Ramdayalunagar Lane No. 2 P.S. - Kazimohammadpur, District - Muzaffarpur.
45. Divya Wife of Alakh Kumar Singh, Mobile No. - 8207880323, Aadhar No. - 840241734509 Resident of Village- Shital Bhakurahr P.S.- Sarai, District -



Vaishali.

46. Satya Prakash Son of Pawan Kumar Singh Mobile No. - 8210063768  
Aadhar No. - 666478084166 Resident of Village - Katra, P.S. - Katra,  
District - Muzaffarpur.
47. Deep Kumari Wife of Jitendra Kumar Thakur, Mobile No. - 9162068584,  
Aadhar No. - 696997765826 Resident of Village - Balthi Rasulpur, P.S. -  
Bochahan, District- Muzaffarpur.
48. Ramlal Kumar, Son of Jaleshwar Bhagat Mobile No. - 9955383834, Aadhar  
No. - 438210443769 Resident of Village - Gosain Chhapra P.S.- Saraiya,  
District - Muzaffarpur.
49. Bharti Kumari, Wife of Shivchandra Singh Mobile No. - 9801767127,  
Aadhar No. - 713997196059 Resident of Mohalla - North Yadav Nagar  
Bhagwanpur P.S. - Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Health Department Government of Bihar.
3. The Officer on Special Duty, Establishment, Health Department,  
Government of Bihar.
4. The District Magistrate-cum-Collector, Muzaffarpur.
5. The Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Pandey Bipul Kumar  
For the Respondent/s : Mr.Lalit Kishore (Ag)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 6      16-01-2026      1. The present writ petition has been filed by the petitioners seeking a direction upon the respondents concerned to continue and extend the contractual engagement of the petitioners, to absorb them against regular posts, to grant due weightage in future regular appointments in recognition of the services rendered by them during the COVID-19 pandemic and further to restrain them from



replacing the petitioners with another set of contractual employees.

2. I. A. No. 1 of 2025 has been filed seeking amendment in the writ petition. Initially, 49 petitioners had approached this Hon'ble Court; however, at present, only five petitioners, i.e. petitioner nos. 1, 4, 5, 11 and 37, are interested in prosecuting the case.
3. I. A. No. 1 of 2025 is allowed and this writ application, now, survives only on behalf of petitioner nos. 1, 4, 5, 11 and 37.
4. The brief facts, giving rise to the present case, is that during the second wave of the COVID-19 pandemic in the year 2021, the State of Bihar was confronted with an acute public health emergency. In order to meet the pressing shortage of medical and paramedical personnel, the Health Department, Government of Bihar, issued Letter No. 329 (ii), dated 27.04.2021, and Letter No. 345 (ii), dated 05.05.2021, directing all districts to make temporary engagement of additional health workers under Section 50 of the Disaster Management Act, 2005, for a fixed period of three months.
5. Pursuant thereto, the Civil Surgeon -cum- Chief Medical



Officer, Muzaffarpur, issued a public notice, dated 08.05.2021, inviting applications for engagement on daily wage/contractual basis. In accordance with the decision of the District Establishment Committee, Muzaffarpur, dated 10.05.2021, around 780 health workers, including the present petitioners, were engaged and posted at various government hospitals and primary health centres within the district of Muzaffarpur.

6. Consequent to their engagement, appointment/work authorization letters, dated 15.05.2021, were issued to the petitioners. The said letters clearly stipulated that the engagement was made under Section 50 of the Disaster Management Act, 2005, for a period of three months from the date of joining or until further orders, on payment of minimum wages of skilled labour as fixed by the Labour Department.
7. It was further mentioned that the engagement was purely provisional and liable to be terminated at any time and no claim for regular appointment would accrue in future. The wages would be paid from the funds received under the National Health Mission.
8. In compliance thereof, the petitioners joined their



respective places of posting and rendered continuous and dedicated services during the peak of the pandemic. However, on 22.06.2021, the Civil Surgeon -cum- Chief Medical Officer, Muzaffarpur, acting upon the directions issued by the Health Department, Government of Bihar, disengaged the services of the health workers appointed during the COVID-19 pandemic with immediate effect, which has given rise to the present writ petition.

9. Aggrieved by their sudden disengagement, the petitioners submitted detailed representations before the Civil Surgeon and the District Magistrate, Muzaffarpur, on 01.07.2021, seeking reconsideration of the decision and continuation of their engagement. However, the said representations were never considered or decided by the authorities.
10. Learned Counsel for the petitioner nos. 1, 4, 5, 11 and 37 submits that the petitioners were engaged during a grave humanitarian crisis arising out of the second wave of the COVID-19 pandemic and rendered selfless and uninterrupted services in Government health institutions, often at the risk of their own lives. However, after having fully utilized their services during the most critical period,



the respondents acted arbitrarily in abruptly disengaging them, which is wholly unjust, unreasonable and contrary to the obligations of a welfare State.

11. It is further submitted that the action of the respondents in replacing the petitioners with another set of contractual workers through NGOs or outsourced agencies amounts to exploitation and constitutes an unfair labour practice. Replacement of one contractual employee by another set of contractual employee, despite the availability of sanctioned vacant posts in the Health Department, is manifestly arbitrary; particularly, when the petitioners possess relevant experience and had already been discharging duties satisfactorily.
12. It is lastly submitted that although the petitioners had earlier approached this Hon'ble Court in CWJC No. 13102 of 2021, the said writ petition was confined only to the limited issue of payment of wages for the period during which the petitioners had actually worked. The issues relating to continuation of service, absorption or regularization were neither raised nor adjudicated therein.
13. Per contra, learned Counsel appearing on behalf of the respondents argued that the engagement of the petitioners



was purely temporary, need-based and made only to meet the emergent situation arising out of the COVID-19 pandemic. The appointments were not regular in nature but were made under Section 50 of the Disaster Management Act, 2005, solely for pandemic management and for a limited duration of three months. Due to the improvement in the COVID-19 situation and reduction in emergency requirements, the very purpose and basis of engaging additional health workers ceased to exist.

14. It is further submitted that the appointment/work authorization letters issued to the petitioners clearly stipulated the tenure, nature and conditions of engagement, including the fact that the engagement was purely provisional, liable to be terminated at any time, and would not confer any right of regular appointment in future. The petitioners, having accepted the terms and conditions of engagement with open eyes, cannot now claim continuation or absorption as a matter of right.
15. It has lastly been submitted that in absence of any statutory provision or vested legal right, no direction can be issued by this Court for continuation of service, absorption or regularization of the petitioners and,



therefore, the writ petition is devoid of merit and liable to be dismissed.

16. I have heard learned Counsel for the parties and have gone through the materials available on record.
17. It is an undisputed fact that work authorization letters, dated 15.05.2021, were issued to the petitioners, wherein it was clearly stipulated that their engagement was purely temporary in nature and made under Section 50 of the Disaster Management Act, 2005, for a fixed period of three months from the date of joining, on payment of minimum wages of skilled labour as notified by the Labour Department. The said letters further categorically provided that the engagement was provisional, liable to be terminated at any time, and would not confer any right whatsoever for regular appointment in future. The petitioners accepted the terms and conditions of such engagement with open eyes and thereafter rendered services during the pandemic period. It further emerges from the record that upon improvement in the COVID-19 situation and reduction of emergency requirements, the Health Department directed disengagement of the additional health workers, pursuant to which the services



of the petitioners were discontinued on 22.06.2021.

18. It is a well-settled principle of law that contractual or temporary employees do not acquire any vested right to continuation or regularization merely on account of having worked for a certain period.
19. In the present case, the petitioners were neither appointed against sanctioned posts nor selected through any regular recruitment process in accordance with the statutory service rules. Consequently, no legal right for absorption or regularization can be said to have accrued in their favour.
20. This Court is aware of the important and admirable services provided by the petitioners during the challenging COVID-19 pandemic. However, sympathy or equitable considerations cannot override the mandate of law. The courts are required to act within the bounds of legality and cannot create service rights where none are specified in the statute or regulations.
21. In view of the above discussion, this Court finds no merit in the writ petition. The petitioners were engaged purely on temporary and emergency basis and their disengagement cannot be said to be illegal, arbitrary or



unconstitutional.

22. This writ petition is, accordingly, dismissed.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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