IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.681 of 2024
In
Civil Writ Jurisdiction Case No.7786 of 2011

CNR No. BRHC010671622024

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Murari Singh Son of Sri Shambhu Singh, Resident of Village- Laluadih, P.S. Harnaut and District- Nalanda.

... ... Appellant/s

Versus

1. The State of Bihar through the Director-in-chief, Health Services Bihar, Patna.
2. The Regional Deputy Director, Health Service, Saran Division, Chapra.
3. The Regional Deputy Director, Health Service, Magadh Division, Gaya.
4. The Civil Surgeon-cum-Chief Medical Officer, Aurangabad.
5. The Incharge Medical Officer, Primary Health Centre, Madanpur, Aurangabad.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Harshit Griyaghey, Advocate
For the Respondent/s : Mrs. Namrata Mishra, Sr. Adv., AAG-9

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
and
HONOURABLE MR. JUSTICE RANA VIKRAM SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

8 27-10-2026 The petitioner in CWJC No. 7786 of 2011 is the appellant before this Court challenging the order of dismissal of the writ petition by the learned Single Judge vide an order dated 8th April, 2024.

2. The case has a chequered history. The petitioner was appointed by the Regional Deputy Director of Health, Magadh Division, Gaya by an order dated 5th September, 1989 as Health Worker to be posted at Gaya. Subsequently, he was

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transferred to the Primary Health Center, Madanpur in the district of Aurangabad by the Regional Deputy Director. While continuing as a Group-IV employee, the petitioner was terminated vide a memo no. 820, dated 25.02.2003. The order for termination was challenged by the petitioner in CWJC No. 3416 of 2003. This Court quashed the aforesaid order of termination allowing the writ petition vide an order dated 21st April, 2003 with a liberty to the State to pass fresh order upon his regular appointment.

3. In view of the said order, the petitioner was reinstated in service on 11th October, 2003. Subsequently on 28th June, 2003 his service was again terminated which was assailed by filing CWJC No. 6489 of 2003. The writ petition was allowed, however, the State of Bihar filed LPA bearing No. 489 of 2003 challenging the order of the learned Single Judge. The said appeal was heard along with LPA No. 946 of 2003 and was disposed of on 26th June, 2006. It is pertinent to mention that during the pendency of the above-mentioned LPA ***Uma Devi's*** case was reported by the Hon'ble Supreme Court . Therefore, the LPA was disposed of directing the Health Department to consider the case of the petitioner and similarly situated persons. The Health Department constituted Five Men Committee to

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resolve the dispute. The five men committee examined all individual cases and found appointment of 91 candidates as irregular and therefore, proposal was made for regularization of the irregular appointees. However, the petitioner's appointment was held to be illegal. The decision of Five Men Committee was again challenged by the writ petitioner/appellant in CWJC No. 15383 of 2009 which was finally disposed of on 1st April, 2010 granting liberty to the petitioner to submit his case before One Man Committee. The petitioner placed his case before One Man Committee constituted by the Hon'ble Justice, Uday Sinha (as his Lordship then was). The One Man Committee examined the case of the petitioner, heard the learned counsels for the parties and passed a reasoned order on 28th March, 2011 holding *inter alia* that the appointment of the petitioner/appellant was illegal.

4. We have duly considered the report of the One Man Committee which was under challenged before the Writ Court.

5. The Committee found that the Regional Deputy Director had no power to appoint the petitioner as Health Worker. Therefore, any appointment made by a person/authority having no power to appoint is *void ab initio* and therefore, illegal.

6. This principle cannot be conceded otherwise on the

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ground that the petitioner/appellant rendered a long uninterrupted service. When the order of appointment does not have any basis and it was made by an incompetent person, not authorized under the law or the rule made there under by the State Government. The order of appointment is invalid from the very beginning

7. On such ground, we are not in position to take an alternative view from what has been taken by the One Man Committee as well as by the learned Writ Court.

8. The appeal is, accordingly, dismissed on contest.

(Bibek Chaudhuri, J)

(Rana Vikram Singh, J)

Jyoti Kumari/-

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