

(2005) 11 JH CK 0005

In the Jharkhand High Court

Case No : Writ Petition (S) No's. 376, 764, 773, 776, 791, 855, 873, 880, 915, 930, 931, 948, 1029, 1051, 1053, 1099, 1142, 1160, 1172, 1192, 1333, 1337, 1357, 1372, 1398, 1444, 1506, 1656, 2622, 2745 and 2764 of 2005

Mazharul Haque and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 22-11-2005

Acts Referred:

Bihar Reorganisation Act, 2000 — Section 72(2)

Citation : (2006) 1 JCR 85

Hon'ble Judges : S.J. Mukhopadhaya, Acting C.J.; Narendra Nath Tiwari, J

Bench : Division Bench

Advocate : Md. Mokhtar Khan and Niranjana Kumar, for the Appellant; A.K. Sinha, AG, for the Respondent

Final Decision : Allowed

Judgement

S.J. Mukhopadhaya, A.C.J.

1. In all these writ petitions almost common prayer having been made, they have been heard together and are being disposed of by this common judgment.
2. The petitioners have challenged the notice, published in the daily newspapers i.e. "Ranchi Express" & other newspapers on 31st December, 2004/December, 2004, inviting applications for engagement of Medical/ Para-Medical personnel on contract basis. The said notice has been published, giving reference to an order dated 22nd December, 2004, passed by this Court in Cont. Case (C) No. 910 of 2004.
3. Grievance of the petitioners is that though they have been engaged on contract basis for two years as Medical/Para-Medical personnel, such as, Doctor, Technical Assistant, Pharmacist, Nurse Grade "A" etc., in pursuance of Press Communique dated 30th October, 2003, published in the daily newspaper on 9th

November, 2003, and are to continue till completion of two years" contract period, the respondents have issued a fresh notice, inviting applications for engagement of Doctor/Para-Medical personnel against the posts, they are already performing duties.

4. As the matter can be decided on short points, it is not necessary to discuss all the facts, except the relevant one, as stated hereunder :

The State of Jharkhand issued a Press Communique dated 30th October, 2003, published in the newspaper on 9th November, 2003, followed by corrigendum, calling for applications for engagement of Medical/Para-Medical personnel on contract basis in 22 districts of the State of Jharkhand. The number of vacancies of Doctor, A.N.M., Nurse Grade "A", Technical Assistant and Pharmacist were shown therein. According to the petitioners, they being qualified, applied for the respective posts of Doctor, A.N.M., Nurse Grade "A", Technical Assistant and Pharmacist and after due selection, they were selected and engaged against the respective posts through agreements, reached between the respondents and petitioners in the month of November, 2003. They were engaged for a period of two years i.e. approximately up to middle of November, 2005. Details regarding the petitioners are shown hereunder :

SI. Name District Date of Post No. Agreement WPS 5 No. 376/05 1. Mazharul Haque Chatra 12.11.2003 LabAsst. 2. Abhay Kr. Singh -do- 13.11.2003 -do- 3. Manoj Kumar -do- 12.11.2003 Pharmacist 4. Aftab Alaim -do- 15.11.2003 -do- 5. Arpana Klimari -do- 12.11.2003 N.G. "A" 6. Bindu Kumari -do- 13.11.2003 -do- 7. Indu Kumari -do- 12.11.2003 -do- WPS No. 764/05 1. Mary Prinsla Simdega 14.11.2003 N.G. "A" Soreng 2. Rita Kumari -do? -do? -do? 3. Kamal Kishore -do- -do- Pharmacist Sahu 4. Vijay Kumar -do? -do? -do? 5. Mrs. Rajshree -do? -do? Lab. Asst. Kri Singh 6. Mrs. Jivanti -do- -do- -do- Kujur 7. Kiran Kumari -do? -do? A.N.M. 8. Padmavati -do? -do? -do? Kumari 9. Premlata -do? -do? -do? Sinha 10. Sumati -do? -do? -do? Dungdung 11. Grace -do? -do? -do? Kindo 12. Nirmala -do? -do? -do? Minz 13. Josima -do- -do- -do- Xaxa 14. Marsilata -do- -do- -do- Osga 15. Manjula -do- -do- -do- Lakra 16. Carmela -do- -do- -do- Beng 17. Amiya Rajat -do- -do- -do- Kerketta 18. Meera -do? -do? -do? Kumari WPS No. 773/05 1. Archana Minz Seraikella Not given A.N.M. -Kharsawan 2. Sharmila Kumari -do- -do- -do- 3. Sushila Kisku -do- -do- -do- 4. Manorama Kumari -do? -do? -do? 5. Rekha Kumari -do- -do- -do- 6. Punam Kumari -do- -do- -do- 7. Sobha Rani Soren -do- -do- -do- 8. Saiwa Mahto -do- -do- -do- 9. Purnima Kumari Seraikella Not given A.N.M. -Kharsawan 10. Madhuri Kumari -do- -do- -do- 11. Sandeep Nanda ?do? ?do? Pharmacist 12. Karuna Sindhu Lay?do? -do- WPS No. 776/05 1. Mukesh Kr. Sinha Hazaribagh 13.11.2003 Pharmacist 2. Manoj Kr. Goswami -do- -do- -do- 3. Suman Kr. Pandey -do- -do- -do- 4. Mina Kumari -do- -do- N.G. "A" 5. Raka Kumari -do- -do- A.N.M. 6. Sunita Kumari -do- -do- -do- 7. Raniu Kumari ?do? ?do? ?do? 8. Anjana Kumari ?do? ?do? ?do? 9. Indu Kumari ?do? ?do? ?do? 10. Sangita Kumari ?do? ?do? ?do? WPS No. 791/05 1. Santoshini Dhanbad 13.11.2003 N.G.

"A" Murmu 2. Gita Kumari -do- Not given A.N.M. Sinha WPS No. 885/05 1. Shailendra Bokro Bokro Lab. Tech Chandra Das

2. Umesh Prasadi ?do? Not given Lab. Tech. Mahli 3. Sishupal ?do- ?do- 4. Arvind Kumar ?do? ?do? 5. I Mukesh Kumar -do- -do- 6. Raj Kumar -do- -do- Pharmacist 7. Mitendra Kr. -do- -do- Gandhi WPS No. 873/05 1. Suman Kumar Giridih 13.11.2003 Pharmacist 2. Kumari Manju Bal ?do? ?do? ?do? 3. Prem Lata Sinha ?do? ?do? N.G. "A" 4. Sneha Lata ?do? ?do? A.N.M. 5. Anjali Kumari -do- -do- -do- 6. Savitry Kumari ?do- ?do- ?do- 7. Pratibha Kumari ?do? ?do? ?do? 8. Asha Kumari ?do- ?do- ?do- 9. Balandina Tudu ?do- ?do- ?do- 10. Anastasiya Lakra ?do? ?do? ?do? WPS No. 880/05 1. Pinki Kumari Chatra 13.11.2003 A.N.M. 2. Kumari Rekha -do- -do- -do? 3. Renu Kumari ?do? -do- ?do? 4. Kumari Rita ?do? -do- -do- 5. Shanti Lakra ?do? -do- -do? 6. Salorma Tirky ?do? -do- -do? 7. Hilari Ekka -do- -do- -do- 8. Anita Kumari ?do? -do- -do- 9. Bibha Kumari -do- -do? -do- 10. Binita Kumari ?do- -do- ?do? 11. Roylen Tigga -do- ?do? N.G. "A" 12. Chandrashekhar ?do? ?do? Pharmacist Singh WPS No. 915/05 1. Rajesh Kumar Sahebganj Pharmacist 2. Archana Mandal -do- Not given N.G. "A" 3. Rita Dutta ?do? -do- -do- 4. Poonam Kumari ?do? ?do? ?do? 5. Mariam Murmu -do- ?do? A.N.M. 6. Parwati Kisku ?do? -do- ?do- 7. Usha Hembrom -do- -do- A.N.M. 8. Mary Hansda ?do? -do- ?do- WPS No. 930/05 1. Pyari Kujur Lohardaga 14.11.2003 N.G. "A" 2. Sadhana Kumari ?do? ?do? ?do- 3. Shanti Kujur ?do? Not given A.N.M. 4. Kumudni Kachap ?do? -do- ?do- 5. Sushila Lakra -do- 14.11.2003 ?do- 6. Indramani toppo -do- Not given ?do? 7. Mungamati Kumari ?do? -do- ?do- 8. Jayanti Kujur ?do? -do- WPS No. 931/05 1. Amit Kumar Seraikella Pharmacist A.N.M. -Kharsawan 2. Shabnam Suhana -do- Not given ?do- 3. Sunita Kumar -do- -do? ?do- 4. Rina Mishra -do- -do- Lab. Tech. 5. Shashi Rekha Minz -do- -do- ?do? 6. Suraj Kumar Prasad -do- ?do? -do- 7. Vijay Kr. Jha ?do? -do- 8. Akhilesh Kumar Seraikella Not given Lab. Tech. Kharsawan 9. Ranjit Kumar ?do? -do- ?do- 10. Anchla Bhengra -do? -do? ?do- 11. Manju Lakra ?do? -do? A.N.M. 12. Sukro Khalko ?do? -do? ?do- 13. Arvind Kr. Anand ?do? -do- Pharmacist 14. Kiran Kumari -do- -do? A.N.M. 15. Mala Sinha -do? -do? ?do- 16. Juhi Thakur -do? -do? -do- 17. Monika B. Tirki ?do? -do- -do- 18. Purnima Kumari -do? ?do? ?do? 19. Anita Dungdung -do- ?do? ?do- 20. Ajit Kr. Mahto -do- -do? Lab Tech. 21. Seeta Devi -do? -do? A.N.M. 22. Siimaria Dhan -do- ?do? -do- 23. Anita Verma -do- -do? ?do? 24. Sunita Kumari -do? -do- -do- WPS No. 948/05 1. Kumari Rani Garhwa 13.11.2003 A.N.M. 2. Sunita Kumari ?do? Not given ?do- 3. Sabita Kumari ?do? -do? ?do- 4. Rekha Kumari ?do? 13.11.2003 ?do? 5. Rani Kumari -do- Not given -do- 6. Anita Kumari -do? -do? -do- 7. Kranti Kumari -do- -do- ?do- WPS No. 1029/05 1. Manoj Kumar Deoghar 13.11.2003 Pharmacist WPS No. 1051/05 1. Ajay Kr. E. Sing- Not given Pharmacist Vishwakarma hbbhum Jam -shedpur 2. Saumendra ?do? ?do? -do- Nath Dalai 3. Tkaram Mahto ?do? -do? -do- 4. Sukumar Mandal ?do- -do- ?do? 5. Dilip Kr. -do- -do- ?do- Banerjee 6. Ranjan Kr. ?do? ?do? ?do- Pradhan 7. Gurbani Gagrai ?do? -do- Lab. Tech. 8. Sujay Pramanic ?do? ?do? -do- 9. P. Parmeshwar -do- ?do? ?do- Deo 10. Durga Prasad -do- ?do? ?do? Pani 11. Padmabati Giri E. Sing- Not given

A.N.M. hbhum Jam -shedpur 12.Kamala Jana ?do? ?do? -do- 13.Kshama Mahto ?do? ?do? -do- 14.Joyshree ?do? ?do? -do- Bahuti 15.Jyoti Muni ?do? ?do? -do- Minz 16.Swapama ?do? -do? -do- Mahato 17.Beena Kumari ?do- -do- ?do? 18.Rina Patra -do- -do- ?do- 19.Rinku Mukherjee 20.Punam Kri. ?do? ?do? ?do- Mahto 21.Jyoti Raina ?do? -do- N.G. "A" Toppo WPS No. 1053/05 1. Anil Kumar Hazaribagh 13.11.2003 Pharmacist Sinha 2. Ajit Kumar -do? -do- -do- WPS No. 1099/05 1. Dr. Tarique W. 13.11.2003 Medical Ahmad Singhbhum Officer Chaibasa 2. Dr. Vikas -do- 13.11.2003 -do- Kr. Singhdeo WPS No. 1142/05 1. Sanjeev Kr Godda 12.11.2003 Pharmacist Verma 2. Bharti Kumari -do- -do- A.N.M. 3. Nilam Mishra -do? -do? -do- 4. Rajshree Das -do? -do? -do- 5. Anjana Kumari -do? -do? Lab. Tech. 6. Karuna Kumari ?do? ?do? A.N.M. 7. Sobha Rani -do? -do? ?do? 8. Urmila Kumari -do? -do? ?do? 9. Sugandhi Devi -do- -do- -do- 10.Shila Kumari -do? -do? -do- 11.Nilam Kumari ?do? ?do? -do- 12.Savitry Kumari-do? -do? ?do- 13.Amarendra -do? -do? Lab.Tech. Kumari 14.Anuj Kr. Jha -do- -do- Pharmacist WPS No. 1160/05 1. Simdega Not given Pharmacist WPS No. 1172/05 1. Swaran Lata Godda 12.11.2003 A.N.M. 2. Vishakha -do- -do- -do- 3. Sudha Kumari 4. Meena Devi -do- -do- -do- 5. Gita Kumari -do? -do? -do? 6. Sarojini -do? -do? -do? Marandai 7. Rupa Kumari -do? -do? -do? 8. Suraj Marti -do? -do? -do? Murmu 9. Madhavi Kumari-do? -do? -do? 10.Kumari Baby -do? -do? -do? 11.Bibha Devi -do- -do- -do- WPS No. 1192/05 1. Sarswati Seraikella- 12.11.2003 A.N.M. Kumari Kharsawan WPS No. 1333/05 1. Kumari Dhanbad 13.11.2003 A.N.M. Sarojini Soren 2. Kanchan -do? -do? -do? Kumari 3. Renu Kumari -do- -do- -do- 4. Sabita Das -do? -do? -do? 5. Mala Kumari 6. Sujanti Devi -do? -do? -do? 7. Kin Mallick @ -do? -do? -do? Minu Kotal 8. Khasma Das -do? -do? -do? 9. Meena Kumari 10. Rekha -do? -do? -do? Srivastava 11. Kusum Kumari -do? -do? -do? 12. Sangeeta -do? -do? N.G. "A" Kumari WPS No. 1337/05 1. Bitia Tudu Pakur 13.11.2003 A.N.M. 2. Elizabeth -do- -do- -do- Baskey 3. Karmella -do- Not given -do- Murmu 4. Anjileena -do- -do- -do- Soren 5. Aagnesh -do- -do- -do- Hembram 6. Rita Murmu -do- -do- -do- 7. Kumari Anita -do- -do- -do- Gorai 8. Ashalata -do- -do- -do- Hembram 9. Helena Hembrom -do- -do- -do- 10.Snehlata Soren -do- -do- -do- 11.Sheelavanti -do- -do- -do- Sunita Tudu 12.Shantilata -do- -do- -do- Tudu 13.Meery Baskey -do- -do- -do- 14.Brajbhushan Pakur 13.11.2003 Pharmacist Kr. Nayak 15.Premjit Kumar -do- Not given -do- 16.Jay Prakash -do- -do- -do- Malto 17.Md. Sahbaaz -do- -do- -do- Alam WPS No. 1357/05 1. Arvind Kumar E. 13.11.2003 Pharmacist Singbhum Jamshedp ur 2. Sunil Kr. -do- 14.11.2003 -do- Dwivedi A.N.M. 3. Shahina -do- -do- -do- Parween 4. Pushpa -do- -do- -do- Kumari 5. Reena Kumari -do- -do- -do- 6. Kalawati Seraikella -do- -do- Mahto 7. Rambha E. 17.11.2003 N.G. "A" Kumari Singhbhum Jamshedp ur 8. Sandhya W. 13.11.2003 N.G. "A" Kumari Singgbhum Jamshedp ur WPS No. 1372/05 1. Madhusudan Jmtara 13.11.2003 Lab.Tech Das 2. Subrata -do- -do- Pharmacist Sarkar 3. Subhas -do- -do- Lab.Tech. Chandra Das Not given 4. Nirola -do- 13.11.2003 A.N.M. Hembram 5. Sajal Kumar -do- Not given Pharmacist Mandal 6. Rajni Kant -do- 13.11.2003 Lab Tech. Mahto 7. Manju Mandal -do- 13.11.2003 A.N.M. WPS No. 1398/05 1. Raj Kumari Godda

12.11.2003 A.N.M. 2. Gyatri Devi -do- -do- -do- WPS No. 1444/05 1. Prem Shanti Pakur 13.11.2003 A.N.M. Topno 2. Sunita Baskey -do- -do- -do- 3. Bimla Tudu -do- -do- A.N.M. 4. Iquebal Ahmad -do- -do- Pharmacist WPS No. 1506/05 1. Asha Lata Murmu Deoghar 13.11.2003 A.N.M. 2. Sadhna Konar -do- -do- -do- 3. Veena Kumari -do- -do- -do- 4. Nilam Kumari -do- -do- -do- WPS No. 1565/05 1.Sarva Mangla Rani Palamau 18.11.2003 -do- 2.Mejharen Tigga -do- 17.11.2003 -do- 3.Nirmaia Kumari -do- 20.11.2003 -do- 4.Manju Kumari -do- -do- -do- 5.Poonam Kispotta -do- -do- -do- 6.Magadalina Kujur -do- 18.11.2003 -do- 7.Shanti Devi -do- -do- -do- 8.Sangita Kumari -do- -do- -do- 9.Nisha Kumari -do- -do- -do- 10.Tarun Kanti Kujur -do- -do- -do- 11.Anita Kumari -do- -do- -do- WPS No. 2262/05 1. Mary Pakur 13.11.2003 A.N.M. Magdalane Hembrom 2. Mangaldalini -do- Not given -do- Baskey 3. Niranjana Kr. -do- 13.11.2003 Lab.Tech. Rajak 4. Santosh Kumar -do- Not given Pharmacist WPS No. 2745/05 1. Ravi Ranjam Godda 12.11.2003 Lab. Tech. Kumar WPS No. 2764/05 1. Bani Mazumdar Hazaribagh 13.11.2003 N.G. "A"

5. As noticed above, grievance of the petitioners is that before completing two years of agreement period, the respondents have taken steps to fill up the posts, held by the petitioners and, in fact, they have disengaged them, as they are not taking work since the publication of the advertisement.

6. The stand taken by the respondents is that the petitioners and others, who were engaged on contract basis, have been disengaged from service, in pursuance of an order dated 14th May, 2004, passed by this Court in W.P. (C) No. 5334 of 2003, as affirmed by the Supreme Court by its order dated 13th August, 2004, passed in SLP (C) No. 1489 of 2004. Learned Advocate General also relied on an order dated 21st December, 2004, passed in Contempt Case (C) No. 910 of 2004, reference of which has been given in the impugned notice/advertisement dated 30th December, 2004/ December, 2004.

7. Learned Advocate General advanced his arguments on behalf of the State, which were adopted by the other State counsels. According to the learned Advocate General, the High Court having held the appointments of doctor on contract basis as illegal, the services of those personnel, who were engaged on contract basis, have been terminated by a general order, contained in Notification No. S.S.I/Muko.-1-198/04 (part)-493(4)/Health, Ranch!, dated 7th December, 2004.

8. Most of the writ petitioners have preferred the writ petitions sometime in the months of January/February, 2005 and in many of the cases interim orders were passed, allowing the respondents to appoint persons on contract basis in pursuance of the advertisement dated 31st December, 2004, but not against the posts, the petitioners were working. According to the petitioners, in spite of such observation of the Court, the respondents stopped taking work from them since December, 2004/ January/February, 2005.

9. The plea taken by the respondents that the High Court directed to terminate

the services of those Para-Medical Staff who were engaged on contract basis, can not be accepted. It appears that a writ petition bearing W.P. (C) No. 5334 of 2003 was preferred by "Junior Doctors Association, Ranchi , against the State of Jharkhand and its officers against the decision of the State to recruit doctors on contractual basis. The case was heard by a Division Bench of this Court, which vide its judgment dated 14th May, 2004 while observed that the writ petition was of public interest in nature, taking into consideration the fact that no appointments were made to the posts of doctors since 1990, held the Press Communique dated 30th October, 2003; notice published in the newspaper on 8th November, 2003 and the process of selection of doctors, undertaken thereupon, as bad and thereby, set aside such notice dated 30th October, 2003, 8th November, 2003 and the process of selection of doctors. The Government was directed to proceed with for regular appointment of doctors with observation that stop-gap arrangements can be made but before such stop-gap arrangement, Infra-structural facilities should be made available. The aforesaid judgment was affirmed up to the Supreme Court, as pointed .out by the State/Later on a Cnnt. Case (C) No. 910 of 2004 was preferred by the "Junior Doctors Association, Ranchi : impleading the State of Jharkhand and its officers by name as opposite parties. Having noticed the difficulty, faced by the State in implementing the Court's judgment dated 14th May, 2004, passed in W.P. (C) No. 5334 of 2003, vide order dated 22nd December, 2004, passed in Cont. Case (C) No. 910 of 2004, while this Court did not choose to initiate any proceeding, to resolve the problems, made/given the following observations/direction :

(i) The State of Jharkhand will fill up the State Level Medical/Dental Service Cadre posts on regular basis, as early as possible, in accordance with law. In any case, regular appointments should be made within six months from the date of final allocation of the State as may be notified by the Central Government u/s 72(2) of the Bihar Re-organization Act, 2000.

(ii) After final allocation of services of the members of Medical/Central services under the State of Jharkhand. it will be open to the State to determine how many regular posts of State Medical/ Dental Services to be lilled up by direct recruitment and/or through any other source, as is permissible under the law.

(iii) In the meantime, the State of Jharkhand may make stop gap arrangement and appoint Doctors on contract basis/by stop gap arrangement. In such case, the selection should be made as per then guidelines laid down under Resolution No. 531(4), dated 21st December, 2004.

(iv) It will be open to the State to prepare a merit list on any of the following basis :

(a) Written test:

OR

(b) Written test + interview (uuxi-uoce test);

OR

(c.) Marks obtained in M.B.B.S./ B.D.S./basic qualifying examination + interview (viva voce test).

Interview (viva-voce) marks should not exceed 25% of the total marks.

(v) It will also be open to the State to prescribe a minimum qualifying marks for written test and interview (viva voce test).

(vi) For the present, the advertisement for contract appointment/stop gap arrangement should be published at least in four leading newspapers, two English and two Hindi, Ranchi Edition by 31st December. 2004. The process of selection should be completed and order of appointment be issued on or before 1st February, 2005.

10. From the facts aforesaid, it will be evident that this Court neither observed anything nor passed any order with respect to the engagement of Para Medical staffs on contract basis. The judgment, as was rendered in the case of "Junior Doctors Association" In W.P. (C) No. 5334 of 2003 and the order, passed in Cont. Case (C) No. 910 of 2004. at the instance of "Junior Doctor Association", related to engagement of doctors on contract basis as also for regular appointment of doctors. Therefore, the ground taken by the respondents for termination of services of Para-Medical staffs cannot be held to be legal.

11. Apart from the aforesaid facts, from Notification No. 493(4), dated 7th December. 2004, enclosed as Annexure-B to the counter affidavit, filed in W.P. (S) No. 376 of 2005. it is evident that although the said notification was issued by the State Government, copy of the same was never forwarded to any of the Para Medical staff, including the petitioners, who were engaged on contract basis as Para-Medical personnel. Copies of such notification of termination dated 7th December, 2004 were forwarded only to different Government officials but no order to termination of individual Para-Medical petitioner was issued or served. Thus, the order of termination having not been given effect to by serving the same on the petitioners working as Para-Medical staff, it was not open to the authorities to stop taking work from those petitioners, who were functioning as Para-Medical personnel.

12. So far as the doctors, such as, petitioners Dr. Tarique Ahmad and Dr. Vikash Kumar Singh Deo of W.P. (S) No. 1099 of 2005 and/or other petitioner, if any, are concerned, their selection having been made in pursuance of notice dated 30th October, 2004/advcrtisement dated 9th November, 2004 and the process of selection having been declared illegal and having been set aside by this Court, they can not derive any advantage of the observations, as made above, this Court having already set aside the process of selection, petitioners Dr. Tarique Ahmad and Dr. Vikash Kumar Singh Deo of W.P. (S) No. 1099 of 2005 and/ or any other such petitioner, engaged as doctor, automatically went out of service. As such, no relief can be granted to them. The writ petition bearing W.P. (S) No.

1099 of 2005 is, thus, dismissed.

13. So far as petitioners of the other writ petitions, who were engaged on contract basis as Para-Medical personnel, are concerned, the judgment passed in the case of Junior Doctors Association (*supra*) is not applicable to them. Since Notification No. 493(4), dated 7th December, 2004, regarding termination, neither discloses the names of such petitioners, as a copy of the same was never served on them, nor any individual order of termination has been issued to those Para-Medical personnel, it can not be given effect to. Further, there being no order by the Supreme Court declaring the selection of Para-Medical personnel as illegal and there being no direction, issued by this Court for termination of their services, the grounds shown in the Notification No. 493(4), dated 7th December, 2004 can not be upheld. Accordingly, the Notification No. 493(4), dated 7th December, 2004, so far it relates to Para-Medical personnel, is hereby set aside. However, the terms of contract of all the aforesaid petitioners, who were engaged as Para Medical personnel, having been expired by 15th November, 2005, they can not continue beyond the period of the agreement, unless they are selected and appointed/ engaged on contract basis, afresh, in pursuance of the impugned notification dated 31st December, 2004. In the circumstances, this Court is not inclined to interfere with the impugned advertisement.

14. However, taking into consideration the fact that many of the petitioners/ having been engaged on contract basis as Para-Medical personnel, after due advertisement and selection, their contract of engagement continued up to midst of November, 2005 and the Notification No. 493(4), dated 7th December, 2004 having been declared illegal and set aside by this Court, so far as Para Medical personnel are concerned, this Court holds that the petitioners of all the writ petitions, who were working as Para Medical personnel, are entitled for the wages even for the period, they were not allowed to work during their contract period, because of the intervening Notification No. 493(4), dated 7th December, 2004 during the period of contract. The respondents are hereby directed to pay them the arrears as per the terms of the contract within three months from the date of receipt/production of a copy of this judgment.

15. In the result, the writ petitions are allowed, except W.P. (S) No. 1099 of 2005, which stood dismissed. However, there shall be no order as to costs.

Narendra Nath Tiwari, J.

16. I agree.