
(2003) 01 PAT CK 0122
In the Patna High Court
Case No : L.P.A. No. 521/95

Uttam Kumar Paul and Others APPELLANT
Vs
The State of Bihar and Others RESPONDENT

Date of Decision : 10-01-2003

Acts Referred:

Citation : (2003) 1 PLJR 650

Hon'ble Judges : Ravi S. Dhavan, C.J;R.N. Prasad, J

Bench : Division Bench

Advocate : Gayanand Roy, for the Appellant; Ashok Kumar Singh, for the Respondent

Final Decision : Dismissed

Judgement

1. This Letters Patent Appeal assails the judgment and order dated 26.4.1995 deciding two writ petitions, C.W.J.C. No. 12650/93, Uttam Kumar Singh v. The State of Bihar and Ors., with C.W.J.C. No. 12974/93, Abhay Kumar Singh v. The State of Bihar and Ors.
2. The Court has heard learned Counsel for the Appellants and the State Counsel.
3. The issue in the writ petitions was of the Petitioners challenging the cancellation of their appointment by an order of the Civil Surgeon-cum-Chief Medical Officer. Dumka dated 14.10.1993.
4. The facts are short. In a matter relating to temporary programme that is to say family planning, volunteers were invited and the Petitioners were such volunteers to work on honorarium of Rs. 50/-per month. The Petitioners had initially volunteered for these assignments in 1986. The Petitioners contend that the Additional Director, Health Services (Administration) by his communication on 5.12.1986 required the Civil Surgeon to absorb all the volunteer workers and do so as on regular post.
5. Accordingly, the Petitioners were absorbed in the year 1991. Subsequently,

the Civil Surgeon-cum-Chief Medical Officer, Dumka cancelled these appointments by his order dated 14.10.1993.

6. The learned Judge has record and all these facts are not disputed on behalf of the Petitioners that the Petitioners were (a) not sponsored by the Employment Exchange, (b) the posts against which they were absorbed were not advertised so as to give all eligible candidates an occasion to apply for such appointment and (c) there was no selection committee duly constituted by the State Government and such a committee was not consulted by the then Civil Surgeon before absorbing the Petitioners on regular post.

7. Clearly the Petitioners had entered through the back door.

8. The appointments which the Petitioners received on regular posts, thus, was clearly illegal. The Court has no occasion to interfere with the order of the learned Judge on the two writ petitions.

9. Dismissed.