IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P(S). No. 5833 of 2023

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1. Sunil Kumar, Aged about 28 years, Son of Sri Dhirendra Prasad Mahato, Resident of Village: Kanaudi, P.O.: Kariyatpur, P.S.: Daru, District: Hazaribag, presently posted as Community Health Officer, at Health Sub-Centre, Bharajo, P.O.: Jharpo, P.S.: Tati Jhariya, District: Hazaribag.
2. Surbhi Kumari, Aged about 26 years, Daughter of Sri Prem Prakash Prasad, Resident of Dimna Road, Sankosai, Road No. 1, Near Hari Mandir, P.O. & P.S.: Mango, Jamshedpur, District: East Singhbhum, presently posted as Community Health Officer, at Health Sub-Centre, Jalla, P.O. & P.S.: Patamda, District: East Singhbhum.
3. Nitish Kumar, Aged about 25 years, Son of Sri Rohit Mahto, Resident of Village: Borobing, Murubanda, P.O.: Barki Pona, P.S.: Rajrappa Project, District: Ramgarh, presently posted as Community Health Officer, at Health & Wellness Centre, Kander, P.O. & P.S.: Gomia, District: Bokaro.
4. Sikandar Prasad, Aged about 27 years, Son of Sri Koleshwar Prasad, Resident of Village: Tuladih, P.O.: Gadibharkatta, P.S.: Birni, District: Giridih, presently posted as Community Health Officer, at Health & Wellness Centre, Bagodih, P.O.: Bagodih, P.S.: Sariya, District: Giridih.
5. Kanchan Kumari, Aged 25 about years, Daughter of Sri Bishnu Mahato, Resident of Village: Manjura, Tola: Goriyadih, P.O.: Manjura, P.S. Kasmar, District: Bokaro, presently posted as Community Health Officer, at Health & Wellness Centre, Chapri, P.O.: Chapri, P.S.: Nawadih, District: Bokaro.
6. Mariam Magdalena Soren, Aged about 23 years, Daughter of Sri Nathanial Soren, Resident of Village: Bhalsungia, P.O.: Rajdaha, P.S.: Kathikund, District: Dumka, presently posted as Community Health Officer, at Health Sub- Centre, Kormo, P.O. & P.S.: Gopikandar, District: Dumka.
7. Anita Kumari, Aged about 27 years, Daughter of Sri Lilo Mohali, Resident of Badgunda, P.O.: Baddiha, P.S.: Giridih Mufassil, District Giridih, presently posted as Community Health Officer, at Health Sub-Centre, Badgunda, P.O.: Baddiha, P.S.: Giridih Muffasil, District Giridih.
8. Prasanta Kumar Mahato, Aged about 29 years, Son of Sri Ramrup Mahato, Resident of Village: Dhipa, P.O.: Barposh, P.S.: Manoharpur, District: West Singhbhum, presently posted as Community Health Officer, at Health Sub-Centre, Patahesal, P.O. & P.S.: Saraikella, District: Saraikella-Kharsawan.
9. Nitu Bedia, Aged about 25 years, Daughter of Sri Shyamlal Bedia, Resident of Village: Padriya, P.O.: Barka Chumba, P.S.: Giddi ‘A’District: Ramgarh, presently posted as Community Health Officer, at Health Sub-Centre, Degagadha, P.O.: Narayanpur, P.S.: Penk, District: Bokaro.
10. Uday Kumar Saurav, aged about 25 years, Son of Sri Suman Saurav, Resident of Village: Dhanaidih, P.O.: Senadoni, P.S.: Giridih Mufassil, District: Giridih, presently posted as Community Health Officer, at Health & Wellness Centre, Jitpur, P.O.: Handadih, P.S.: Giridih Muffasil, District: Giridih.
11. Pushkar Kumar Gupta, Aged about 25 years, Son of Sri Mahendra Kumar Gupta, Resident of Village: Bishunpura, P.O.: Kocheya, P.S.: Bishunpura, District: Garhwa, presently posted as Community Health Officer, at Health &

Wellness Centre, Bishunpura Nagar, P.O. & P.S.: Bishunpura, District: Garhwa.

12. Pushpraj Kumar Paswan @ Pushpraj Kumar, Aged about 28 years, Son of Sri Basant Kumar Paswan, Resident of Village: Pandeydih Magzine, P.O.: Sirsiya, P.S.: Giridih Mufassil, District: Giridih, presently posted as Community Health Officer, at Health & Welness Centre, Udnabad, P.O.: Udnabad, P.S.: Giridih Muffasil, District: Giridih.
13. Pinky Kumari, Aged about 27 years, Daughter of Sri Shakti Ram Bedia, Resident of Village: Hethbarga, P.O.& P.S.: Barlanga, District: Ramgarh, presently posted as District: Community Health Officer, at Health Wellness Centre, Nemra,. P.O. & P.S.: Barlanga, District:Ramgarh.
14. Bhawani Kumari, Aged about 22 years, Daughter of Sri Bhuwaneshwar Munda, resident of village: Dulmi, P.O.: Lowahatu, P.S.: Sonahatu, District: Ranchi, presently posted as Community Health Officer, at Health & Wellness Centre, Bagesera, P.O. & P.S.: Palkot, District: Gumla.
15. Jyoti Baxla, Aged about 25 years, Daughter of Sri Rajbansh Oraon, Resident of Village: Bethat Niche Toli, P.O.: Hesapiri, P.S.: Bagru, District: Lohardaga, presently posted as Community Health Officer, at Health & Wellness Centre, Pojenga, Community Health Centre, Palkot, P.O.& P.S.: Palkot, District: Gumla.
16. Anjum Kavita Birua, Aged about 22 years, Daughter of Sri Man Mohan Birua, Resident of Near I.O.L. Petrol Pump, Village: Baliasai, P.O.: Bharbharia, P.S.: Manjhari, District: West Singhbhum, presently posted as Community Health Officer, at Health & Wellness Centre, Krishnapur, P.O. & P.S.: Kharsawan, District: Seraikela-Kharsawan.
17. Pragya Rupali, Aged about 25 years, Daughter of Sri Govind Mishra, Resident of Flat No. 103, Deo Sampoorna Apartment, Lowadih, P.O. & P.S.: Lowadih, District: Ranchi, presently posted as Community Health Officer, at Health & Wellness Centre, Saraiya, P.O. & P.S.: Hariahrganj, District: Palamau.
18. Nitin Kumar, Aged about 25 years, Son of Sri Hemlal Gope, Resident of Village: Birajpur, P.O.: Chapuadih, P.S.: Bengabad, District: Giridih, presently posted as Community Health Officer, at Health Sub-Centre, Sihodih, P.O.: Sirsiya, P.S.: Giridih Muffasil, District: Giridih.
19. Simmi Ekka, Aged about 22 years, Daughter of Sri Erus Ekka, Resident of Village: Bargari, P.O.: Bargari, P.S.: Mandar, District: Ranchi, presently posted as Community Health Officer, at Health & Wellness Centre, Sursa, P.O. Murma, P.S.: Mandar, District: Ranchi.
20. Raj Malhotra, Aged about 26 years, Son of Sri Nirpati Mahto, Resident of Village & P.O.: Pesham, P.S.: Birni, District: Giridih, presently posted as Community Health Officer, at Health & Wellness Centre, Kasiotol, P.O.: Baddiha, P.S.: Hirodih, District: Giridih.
21. Ashish Ranjan, Aged about 24 years, Son of Sri Santosh Kumar Singh, Resident of Village: Naudiha, P.O.: Bilaspur, P.S.: Haidernagar, District: Palamau, presently posted as Community Health Officer, at Health & Wellness Centre, Pataria, P.O.: Bilaspur, P.S.: Haidernagar, District: Palamau.
22. Ashish Gorai, Aged about 25 years, Son of Sri Ganesh Ch. Gorai, Resident of Village: Nawadih, P.O.: Deoltand, P.S.: Ichagarh, District: Seraikela-

Kharsawan, presently posted as Community Health Officer, at Health & Wellness Centre, Sursi, P.O. & P.S.: Kuchai, District: Seraikela-Kharsawan.

23. Swaraj Kumar Bediya @ Swaraj Kumar, Aged about 24 years, Son of Sri Suresh Bediya, Resident of Village: Lodhma, P.O.: Chhattar Mandu, P.S.: Ramgarh, District: Ramgarh, presently posted as Community Health Officer, at Health Sub-Centre, Dhanaydih, P.O.: Senadoni, P.S.: Gidirih Muffasil, District: Giridih.
24. Sonu Kumar, Aged about 28 years, Son of Sri Rajendra Mehta, Resident of At: Khargara, P.O. & P.S. Haider Nagar, District: Palamau, presently posted as Community Health Officer, at Health & Wellness Centre, Basariya Kalan, Community Health Center, Chainpur, P.O. & P.S.: Chainpur, District: Palamau.
25. Suresh Kumar Rajak, Aged about 27 years, Son of Sri Bibhuti Bhushan Rajak, Residnet of Aguidangra, P.O.: Kamalpur, P.S.: Patamda, District: East Singhbhum, presently posted as Community Health Officer, at Health Sub-Centre, Poklabera, P.O.: Gobarghusi, P.S.: Patamda, District: East Singhbhum.
26. Anjali Gupta, Aged about 26 years, Daughter of Sri Sunil Kumar Gupta, Resident of Village: Rabda, P.O.: Harinamar, P.S.: Chainpur, District: Palamau, presently posted as Community Health Officer, at Health & Wellness Center, Nenuwakhura, P.O. & P.S.: Chainpur, District: Palamau.
27. Ravi Kumar Verma, Aged about 23 years, Son of Sri Ramdayal Mahto, Resident of At: Mayapur, P.O.: Kheskhari, P.S.: Suriya, District: Giridih, presently posted as Community Health Officer, at Health & Wellness Centre, Kheskhari, Community Health Center, Bagodar, P.O. & P.S.: Bagodar, District: Giridih.
28. Ankit Raj, Aged about 26 years, Son of Sri Arjun Prasad Yadav, Resident of Village: Tehro, P.O.: Basodih, P.S.: Satgawan, District: Koderma, presently posted as Community Health Officer, at Health & Wellness Centre, Kataiya, P.O. & P.S.: Satgawan, District: Koderma.
29. Manju Kumari, Aged about 27 years, Daughter of Sri Sarju Rajak, Resident of Village: Keshargarh, P.O.: Nadkhurkee, P.S.: Baghmara, District:-Dhanbad, presently posted as Community Health Officer, at Health Sub-Centre, Sadriadih, P.O. & P.S.: Baghmara, District-Dhanbad.
30. Karan Kumar, Aged about 26 years, Son of Sri Mihir Pandit, Resident of Village, P.O. & P.S.: Ahilyapur, District: Giridih, presently posted as Community Health Officer, at Health & Wellness Centre, Fuljhariya, P.O.: Fuljhariya P.S.: Ahilyapur, District: Giridih.
31. Amrita Singh, Aged about 25 years, D/o Sri Arvind Kumar Singh, Resident of Gujrat Colony, Chas, P.O. & P.S.: Chas, District: Bokaro, presently posted as Community Health Officer, at Health & Wellness Centre, Kamalpur, P.O. & P.S.: Jaridih, District: Bokaro.
32. Saumya Gupta, Aged about 23 years, D/o Dilip Kumar Gupta, Resident of Chechariya, P.O. & P.S.: Nagar Untari, District: Garhwa, presently posted as Community Health Officer, at Health Sub-Centre, Chittvishram, P.O. & P.S.: Nagar Undari, District: Garhwa.
33. Roop Shikha Kumari @ Roop Shikha, Aged about 29 years, D/o Nandlal Prajapati, Resident of Basant Vihar Colony, Ravi Steel, Pandra, P.O.: Kamre, P.S.: Pandra O.P., District: Ranchi, presently posted as Community Health

Officer, at Health & Wellness Centre, Sagalim, P.O.: Sagalim, P.S.: Panki, District: Palamau.

34. Chintamani Kumari, Aged about 24 years, D/o Sri Bishram Oraon, Resident of Village: Jakjor, P.O. & P.S.: Basia, District: Gumla, presently posted as Community Health Officer, at Health Sub- Centre, Gara, P.O. & P.S.: Kamdara, District: Gumla.
35. Anuj Singh, Aged about 25 years, D/o Sri Kedar Singh, Resident of Vilalge: Ukamar, P.O.: Chhipadohar, P.S.: Barwadih, District: Latehar, presently posted as Community Health Officer, at Health & Wellness Centre, Ukamar, P.O.& P.S.: Barwadih, District: Latehar.
36. Shristy Rani, Aged about 25 years, D/o Sri Surajdeo Prasad, Resident of Bachra Bazartand, P.O.: Bachra, P.S.: Piparwar, District: Chatra, presently posted as Community Health Officer, at Health & Wellness Centre, Dulmi, P.O. & P.S.: Tamar, District: Ranchi.
37. Madhu Deepika Kerketta, Aged about 27 years, D/o Sri Ratan Kerketta, Resident of Village: Tiril Kokar, Ranchi, P.O.: Bariatu, P.S.: Ranchi Sadar, District: Ranchi, presently posted as Community Health Officer, at Health & Wellness Centre, Nawadih, P.O.: Nawadih, P.S.: Gumla, District: Gumla.
38. Priti Poonam Hansda, Aged about 28 years, D/o Sri Raska Hans dak, Resident of Village: Joraro, P.O.: Paderkoila, P.S.: Amraapra, District: Pakur, presently posted as Community Health Officer at Health Sub- Centre, Kunjbona, CHC Palajori, P.O. & P.S.: Palajori, District: Deoghar.
39. Anjali Minz, Aged about 25 years, D/o Sri Eliazer Minz, Resident of Jhinjhri Piper Toli, P.O.: Korambi, P.S.: Mandar, District: Ranchi, presently posted Community Health Officer, at Health Sub- Centre, Raikera, P.O. & P.S.: Bharno, District: Gumla.
40. Nisha Kumari, Aged about 29 years, D/o Sri Dut Singh Munda, Resident of Village: Bhut, Wiankutoli, P.O.:Bhandra, P.S.: Khunti, District: Khunti, presently posted as Community Health Officer, at Health & Wellness Centre, Charakpathar, P.O.: Sini, P.S.: Saraikela, District: Saraikela-Kharsawan.

.....Petitioner(s)

Versus

1. The State of Jharkhand through Chief Secretary, At: Project Bhawan, Dhurwa, P.O. & P.S.: Dhurwa, District: Ranchi.
2. The Principal Secretary, Health, Medical Education & Family Welfare Department, Govt. of Jharkhand, At: Nepal House, P.O. & P.S.: Doranda, District: Ranchi.
3. The Director-in-Chief, Health Services, Govt. of Jharkhand, At: Namkum, P.O. & P.S.: Namkum, District: Ranchi.
4. The Director, Public Health Institution, Govt. of Jharkhand, At: Namkum, P.O. & P.S.: Namkum, District: Ranchi.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioners : Mr. Amit Kr. Tiwari, Advocate

: Mr. Nidhi Rani, Advocate
: Mr. Kumar Anubhaw, Advocate
For the Respondents : Mr. Md. Shahabuddin, SC-VII
: Mr. Zaid Iman, A.C. to S.C.-VII

08/ Dated: 11.09.2026

1. The instant application has been preferred by the petitioners for the following reliefs:

> *i.) To issue necessary order for the permanent appointment of the petitioners to the post of Community Health Assistant (in short "CHA") instead of contractual employment, as per the notification of the State Govt., issued under the seal & signature of the Principal Secretary, Health, Medical Education & Family Welfare Department, Govt. of Jharkhand vide Memo No. 554 dated 9th August, 2017 (Annexure- 4), which is the only guiding effect with regard to service condition of the petitioners:*
> *ii.) To issue necessary direction to formulate the appointment rules and the service conditions by which the petitioners' services shall be guided and in absence thereof the petitioners' services cannot be said to be a proper, valid & legal appointment:*
> *iii.) To issue necessary order/direction to the respondents, to pay the salary/ remuneration even the petitioners are appointed on contract basis the honorarium as decided vide Memo No. 554 dated 9th August, 2017 (Annexure 4) i.e. the Pay Band II (9,300 -34,800) + Grade Pay 4200, by the Health, Medical Education & Family welfare department, Govt. of Jharkhand:*
>
> *AND/OR*
>
> *For any other relief/reliefs, for which the petitioners are legally entitled, in the facts & circumstances of this case, for doing conscionable justice to the petitioners.*

2. Briefly stated, the petitioners had qualification of Bachelor of Science in Community Health (Graduate), as prescribed and provided by the State under the Gazette Notification vide Memo No.554 dated 09th August, 2017. Vide Letter No. 171(6) dated 13.01.2017 the Health, Medical Education & Family Welfare Department sanctioned the fund for implementation of three years Bachelor of Science "Community Health Course".

Thereafter, Health, Medical Education & Family Welfare Department, Govt. of Jharkhand, Ranchi through its Director-in-Chief, Health Services, issued an advertisement, seeking the applications for the aforesaid course of Bachelor of Science, in "Community Health (Graduation)", for the Session 2016 - 17.

Further, Notification dated 10.03.2017, published by the Health, Medical Education & Family Welfare Department, Govt. of Jharkhand,

Ranchi in the Jharkhand Gazette, following the direction issued by the Govt. of India, earmarked the building at Public Health Institution, Namkum, Ranchi and Health & Family Welfare Training Center, Hazaribag, for implementation of the course "Bachelor of Science in Community Health (Graduation)".

Accordingly, the petitioners on completion of all formalities and criteria were selected and ultimately were admitted in the said course and declared successful.

3. Thereafter, the State Govt. vide Memo No. 554 dated 09th August, 2017 published, in the Gazette Notification of the Govt. under the approval & direction of the Governor, State of Jharkhand, the guidelines with regard to the petitioners' course as well as their employment, the service conditions and the recognition of the course as well as the selection process, the posting after completion of the courses, creation of post, Appointment Rules, Service Conditions as well as the remuneration.

4. The grievance of these petitioners is that, instead of giving permanent appointment, the respondent issued Letter vide Memo No. 268 dated 01.08.2023 under the seal & signature of the Director, Campaign, appointing the petitioners and other similarly situated persons on contract basis and accordingly the petitioners are allocated the place where they are directed to join.

Thogh, the petitioners made representation dated 24th July, 2023 for their permanent appointment, to the Chief Secretary, Govt. of Jharkhand and the Secretary, Health, Medical Education & Family Welfare Department, Govt. of Jharkhand; but no decision for permanent appointment has been taken yet.

5. Learned counsel for the petitioner submits that for the purpose of implementation of Central Government Scheme and also pursuant to the decision of Central Government, the State Government vide Memo No.554 dated 9th August, 2017 published a Gazette Notification issuing the guidelines with regard to petitioners' posts as well as employment coupled with the service condition and recognition of course along with post.

6. Ld. Counsel further draws the attention of this Court towards the Gazette Notification which is at Annexure-4 running page no.55, wherein there is a categorical statement what is to be done after completion of course. For brevity, the relevant portion of the Gazette Notification is extracted herein below:-

“

कोर्स उपरांत पदस्थापन (*Posting after completion of course*	• **सभी विद्यार्थी जो सफलतापूर्वक कोर्स को पूरा करेंगे, वह निदेशक प्रमुख, स्वा. सेवाएँ स्वास्थ्य निदेशालय द्वारा गठित स्थापना समिति के अनुशंसा/निर्णय पर विभिन्न स्वास्थ्य उपकेन्द्रों में कम्युनिटी हेल्थ एसीस्टेंटस के पद पर कार्य करेंगे।** • **आवश्यकतानुसार इनकी सेवाएँ प्राथमिक स्वास्थ्य केन्द्रों में भी ली जाएगी ।** • **इनका मानदेय** *Pay Band II (9300-34800) + Grade Pay 4200 –* **वेतनमान के प्रारम्भिक प्रक्रम पर ही वेतन देय होगा। जो स्वास्थ्य प्रशिक्षण के पद के सदृश्य होगा।** • **इन्हें नियोजन हेतु समकक्ष पदों पर छूट दी जा सकेगी।**
पद सृजन एवं नियमावली	• **निदेशक प्रमुख, स्वास्थ्य सेवाएँ के द्वारा कम्युनिटी हेल्थ एसीस्टेंटस के नये स्थायी पदों के सृजन किया जायगा तथा नियुक्ति नियमावली बनायी जायेगी ।** • **नियमावली में कम्युनिटी हेल्थ एसीस्टेंटस के सेवा शर्तों का उल्लेख रहेगा ।**

7. From bare perusal of the aforesaid clause in the Gazette Notification, it is evident that the Government has categorically taken a decision that all those students, who have completed their course, they will be posted at their respective place at primary health Centre and other places in the payment Band-II (9,300-34,800) + Grade Pay 4200.

8. When the Government had already taken a decision that any employee like these petitioners who have completed the course, they would be getting the payment of (9,300-34,800) + Grade Pay of 4200 and would be posted at various places including Community Health Assistant Centre, Primary Health Centre etc.; then, there is no reason, as to why the Government is not paying this Pay Band to these petitioners.

9. In the said notification; the relevant portion of which has extracted hereinabove, there was also a decision for formation of rules governing these types of employees.

Several affidavits (counter-affidavit, first supplementary counter-affidavit and second supplementary counter-affidavit) have been filed by the State, but save and except, the averment regarding formation of the new rules has been mentioned; no reason has been assigned as to why the petitioners are not getting the Pay band-II which was indicated in the Gazette information dated 09th August, 2017.

10. Admittedly, the petitioners herein have completed their course, which is obviously subject to verification of dates as to when the respective petitioners have completed their course; but, as per the Gazette Notification itself, the moment the respective petitioner(s) have completed their course, there was no fun in engaging them in a normal remuneration / honorarium and not paying the Pay Band-II (9,300-34,800) + Grade Pay 4200).

11. As aforesaid, there is no reason that has been given in either of the affidavits filed by the State; Accordingly, this Court is of the firm view that Gazette Notification dated 09th August, 2017, wherein there is a specific clause and guideline with regard to posting after completion of course and formation of rules, the Government is duty-bound by the Gazette Notification.

12. It is true that the Government has formulated the Rules in 2025, but perhaps that has not been implemented till date as informed by the Ld. Counsel for the State upon instruction.

13. Thus, so far as the issue of making rules concerning the petitioners has already been notified, as per the Gazette Notification which is at Annexure-4 running page no.55, it is expected that the same will be implemented soon.

14. Nevertheless, this Court is of the considered opinion that the petitioners are entitled for salary right from the date they have completed their course, *i.e.*, in the Pay Band-II (9,300-34,800) + Grade Pay 4200) from the date of completion of the course as per the same Gazette Notification (Annexure-4).

15. Having regard to the aforesaid discussion, the instant writ application stands allowed. The petitioner shall be considered as regular employee and shall be paid as per the Gazette Notification dated 09th August, 2017. The relevant portion of the same is extracted hereinabove.

16. The Respondents are directed to issue necessary order w.r.t. the respective petitioners within a period of 8 weeks from the date of receipt/production of copy of this order.

(Deepak Roshan, J.)

11.09.2026
Uploaded on
21/09/2026
Nandini/-