

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6217 of 2014

=====

1. Kishore Prasad Son Of Bharat Sah Resident Of Village- P.O- Basdila Bazar, P.S
And District- Gopalganj.

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary Bihar At Patna
2. Principal Secretary, Health Services Deptt. Bihar, Patna.
3. The Health Commissioner- Cum- Secretary, Department Of Health, Medical
Education And Family Welfare Bihar At Patna.
4. The Director In- Chief, Health Services, Govt. Of Bihar, At Patna.
5. The Chief Maleriya Officer, Bihar At Patna.
6. The Deputy Regional Director, Health Services, Saran At Chapra.
7. The Collector, Gopalganj At Gopalganj.
8. The Civil Surgeon- Cum- Chief Medical Officer, Gopalganj, At Gopalganj.
9. The District Malariya Officer, Gopalganj, At Gopalganj.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Shrivastwa
For the Respondent/s : Mr. SC-11 Ashok Kumar
Mr. Amresh, AC to SC-11

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-06-2016

Heard learned counsel for the parties.

Petitioner's grievance is that the committee, headed by the District Magistrate, Gopalganj has taken an erroneous decision, not to include or empanel names of persons, who have worked as seasonal DDT sprayers. It is de hors the various decisions taken by the High Court in this regard for such consideration.

It is no longer a matter of debate that even seasonal DDT Sprayers are required to be considered for regularization and for which a panel has to be prepared and their names included for

consideration at the district level. Whether they are required to be appointed by Malaria Department and only against vacancies available etc. etc., are issues, which will arise subsequently. But the problem created in the present case is that the committee took the decision on 04.05.2011, a copy of which is Annexure-A to the counter affidavit of the District Magistrate, Gopalganj, excludes the petitioner and such kinds from consideration in empanelment, which in the opinion of the Court is not sustainable.

The writ application is allowed.

Direction is issued upon the District Magistrate, Gopalganj that empanelment of the petitioner would be required to be made, provided there are sufficiency of evidence of his engagement and working etc. The ultimate appointment or regularization will be considered in accordance with law and that stage will only arise after the petitioner is empanelled in the very first place. The only decision will be taken preferably within a period of six months from the date of communication / production of a copy of this order.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	22.06.2016
Transmission Date	