

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9030 of 2012

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1. Syed Md. Jamal Hassan, S/O Late Abul Hassan, resident of 203 Amber Apartment, Khajurbana, Mohalla + P.S.-Sultanganj, District-Patna.
 2. Sri Ashok Kumar Singh, S/O Late Sri Rajendra Prasad Singh, resident of Village-Badki, Mohammadpur, P.O.-Subnina Bakhtiyarpur, District-Patna.

.... Petitioners

Versus

1. The State of Bihar.
2. The Additional Commissioner-Cum-Secretary to Govt. of Bihar, Patna.
3. The Director-In-Chief, Health Services, Bihar, Patna.
4. The Deputy Director, Health Services, Govt. of Bihar, Patna.
5. The District Malaria Officer, Patna.

.... Respondents

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Appearance :

For the Petitioners : Mr. Mohammed Arif, Advocate.

For the Respondents : Mr. Ashok Kumar Gupta, A.C. to G.P. 10.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 07-09-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The following reliefs have been sought for by the
petitioners in the present writ application.

“I (a) To quash the order dated 02.02.2012 passed by the District Malaria Officer, Patna, vide Memo No. 65 by which a direction has been issued to recover the amount of increment paid to the petitioners, for the period between 20.03.1993 to 02.12.2007 in case of petitioner no. 1 and for the period between 07.10.1989 to 16.10.2003 in case of petitioner no. 2.

(b) To direct the respondents not to recover the amount of increment paid to the petitioners, as it has been legally and rightly paid to them and also to continue the



payment of salary inclusive of the increments.

(c) To declare that the increment paid to the petitioners have been rightly paid to them and any attempt by the respondents to recover the same is illegal and against the principle laid down by the law.

It is submitted by learned counsel for the State that the Cabinet Secretariat (Rajbhasha) Department, Government of Bihar, issued a Notification No. 290 dated 07.05.2012 in which among other posts of Health Department, Lab Technician and Basic Health Worker (Sr. Nos. ii & iii) have been exempted from passing of Hindi Noting and Drafting Examination and in light of the said Notification of the State Government, recovery of excess amount from the petitioners have been stopped.

Considering the submissions made by learned counsel for the State, no substantive relief is further to be granted to the petitioner as the grievance of the petitioner has already been redressed by the State Government.

Accordingly, the present writ application stands disposed of.

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(Sudhir Singh, J)

