

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.696 of 2015

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Renu Kumari, Wife of Sri Bishnu Prakash Prabhakar @ Bishu Prakash,
Resident of Village - Brahmsthan , Post Office- Bhokilaper, Police Station -
Hilsa, Via - Hilsa, District - Nalanda and a Asha Kryakarta at Village -
Brahmsthan, Gram Panchayat Raj- Gram Panchayat Raj - Yogipur,
Prakhand Hilsa(Nalanda)

.... Petitioner

Versus

1. The State of Bihar, through the Civil Surgeon-cum-Chief Medical Officer, Nalanda.
2. The Civil Surgeon-cum-Member Secretary, District - Health committee, Nalanda.
3. The Up Samaharta, Parbhari Sah Sachiv, Lok Shikayat Koshang, Nalanda.
4. The Parbhari Chitkitsa Padadhikari, Primary Health Centre, Hilsa (Nalanda).
5. The District Officer, Nalanda. collectorate Building, Nalanda.
6. Subdivisional Officer, Hilsa Nalanda.
7. Dr. Satish Kumar Sinha, Ex Parbhari Chiktisa Padadhikari, Primary Health Centre, Hilsa Nalanda, Presently Posted as Parbhari Chikitsa Padadhikari, Primary Health Centre at Ven (Nalanda).
8. Manorma Kumari Wife of Upendra Prasad Resident of Village - Brahmsthan, Post Officer - Bhokilaper Police station - Hilsa , Via -Hilsa, District - Nalanda.
9. Sri Dinesh Prasad , The Mukhiya of Gram Panchayat Raj Jogipur, Post Officer- Yogipur, Via - Hilsa, Police Station - Hilsa, District - Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad Singh
For the Respondent/s : Mr. GA-4- Partha Sarthy

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 23-02-2017 Heard Sri S.R.C. Pandey, learned counsel, assisted

by Sri Raj Nandan Prasad Singh, learned counsel for the

petitioner, Sri Partha Sarthy, learned Govt. Advocate no.4 as well

as Sri Sunil Prasad, learned counsel, who has appeared on behalf

of Respondent no.8.



The petitioner, in the present writ petition filed under Article 226 of the Constitution of India, has made a prayer for directing the Respondents to facilitate the petitioner in discharging her duties/ doing works as only Accredited Social Health Activist (ASHA) at village-Brahmsthan, Yogipur, Hilsa, Anganwari Centre no.27.

It has been pleaded that she is functioning as Asha worker in village- Brahmsthan, Gram Panchayat-Yogipur, Prakhand-Hilsa since 07.04.2007 and even thereafter, Respondents with a view to curtail the jurisdiction of the petitioner have introduced Respondent no.8, namely, Manorma Kumari as Asha worker. However, it has not been disputed by learned counsel for the petitioner that the petitioner is still functioning as Asha worker in the area in question. A plea has been taken that the area is having very lesser population and, as such, in one area allowing Respondent no.8 to function as Asha worker will amount to curtail the function of the petitioner. It has further been indicated that the petitioner had raised her grievance before the Respondent no.6/ Sub Divisional Officer, Hilsa, Nalanda. Thereafter, the Sub Divisional Officer had asked the concerned persons to appear along with relevant documents. It was orally submitted that the Sub Divisional Officer also had orally observed in favour of the



petitioner, but till date no final order has been passed. To this extent, a statement has been made in paragraph-13 of the present writ petition.

In this case, two separate counter affidavits have been filed; one by Respondent nos. 2 and 4 and another by private Respondent i.e. Respondent no.8. In the counter affidavit of Respondent nos. 2 and 4, the statement made in paragraph-13 of the writ petition has been replied in its paragraph-15, which makes it clear that though a detailed information was provided by the Incharge Medical Officer to the Sub Divisional Officer vide letter dated 13.01.2015, Respondent nos.2 and 4 are unaware about the final result in the proceeding before the Sub Divisional Officer.

Learned counsel for the petitioner seeks disposal of the present writ petition with direction to Respondent no.6 to take final decision in the matter. The submission of learned counsel for the petitioner was not disputed either by learned State Counsel or by learned counsel for the private Respondent.

In view of submission made by learned counsel for the petitioner with consent of other parties, the present writ petition stands disposed of with observation that the learned Sub Divisional Officer, Hilsa, Nalanda may take appropriate decision in the matter preferably within a period of three months from the



date of receipt/production of a copy of this order.

The writ petition stands disposed of.

(Rakesh Kumar, J)

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