

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1990 of 2015

IN

Civil Writ Jurisdiction Case No. 4633 of 2014

- =====
1. Ajay Kumar Dubey son of Baidnath Dubey, Resident of village- Sakra Bajid, P.S.- Sakra, District- Muzaffarpur
 2. Suresh Kumar S/O Late Ram Sobhit Singh, Resident of village- Sahdullapur, P.O.- Chandan Patti, P.S.- Sakra, District- Muzaffarpur
 3. Chandra Bhushan Thakur, Son of Late Ramdeo Thakur, Resident of village- Tulsimohanpur, Post- Narsinhpur, P.S.- Sakra, District- Muzaffarpur
 4. Manoj Kumar Thakur Son of Late Kapileshwar Thakur, Resident of village+ Post- Sundarpur, P.S.- Sakra, District- Muzaffarpur
 5. Chandra Bhushan Ojha Son of Late Ramsagar Ojha, Resident of village- Khabra, Post- Khabra, P.S.- Sadar, District- Muzaffarpur

.... Appellants

Versus

1. The State of Bihar, through the Principal Secretary-cum-Commissioner, Department of Health and Family Welfare, Govt. of Bihar, Patna
2. The Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur, District- Muzaffarpur
3. Civil Surgeon-cum-Member Secretary, District Health Committee, Muzaffarpur/District Program Manager, District Health Committee, Muzaffarpur
4. The Director-in-chief, Health Service, Bihar, Patna.
5. The Deputy Director Health Service, Bihar, Patna
6. The Regional Deputy Director, Health Service, Tirhut Division, Muzaffarpur
7. The Collector, Muzaffarpur
8. The Deputy Collector (Establishment), Muzaffarpur

.... Respondents

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Appearance :

For the Appellant/s : Mr. Uday Prakash Shharma

For the Respondent/s : Mr. GP6- PRASHANT PRATAP

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 28-01-2017

Delay of 40 days is condoned.

2. I.A. No.8817 of 2015 is allowed.

3. The petitioners who are appellants before this Court filed a writ application for a direction for regularization because they had worked for sufficiently long period of time as Voluntary Health Workers on



remuneration of Rs.100/- per month.

4. The writ application was taken up. It was urged on behalf of the State authorities that the appellants were seeking parity with certain petitioners of CWJC No.4878 of 2000, which was disposed of on 24.09.2004. The said parity was being sought by filing a writ application in the year 2014, i.e., after more than 10 years.

5. The learned Single Judge, therefore, came to a conclusion that the inordinate delay in filing a writ application came in the way of any relief being extended to the appellants.

6. In addition to the above, this Court further adds that Voluntary Health Workers are not employees of the State but are by very nature of their engagement are voluntary workers for which they get a token amount of Rs.100/- a month.

7. Their status being such, the learned Single Judge committed no wrong in dismissing the writ application.

8. Appeal is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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