

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16468 of 2016

- =====
1. Chandra Kant Kumar Son of Late Sukhdeo Prasad, resident of Village- Mahkar Bigha, Post- Prasdih, P.S. Chandi, Dist- Nalanda.
 2. Surymauli Singh son of Sri Berma Nand Prasad, resident of Village-Kohawan, P.S. Daniawan, Dist- Patna.
 3. Arbind Kumar son of Sri Siyasharan Prasad, resident of Village- Govindpur, Post- Barhog, P.S. Asthawan, Dist- Nalanda.
 4. Subhash Ray, Son of Late Nanhak Ray, resident of Village- Bhadwar, P.S. Chandi, Dist- Bhojpur.
 5. Manoj Kumar Son of Sri Sada Nand Prasad, resident of Mamta Electrical, Durga Market, Post- Katraya Garh, Dist- Dhanbad.
 6. Dharmendra Kumar S/o Sri Brahmdeo Prasad, resident of Village- Paingri, P.S. Warisaliganj, Dist- Nawad. At present all are posted at T.B. Attendent at District TB. Centre, Nalanda.

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Deptt of Health, Govt. of Bihar, Patna.
2. The Director in Chief Deptt. of Health, Govt. of Bihar, Patna.
3. Director, Tuberculosis Demonstration and Training Centre, Agam Kuan, Patna.
4. In-Charge Officer, T.B. Centre, Nalanda.
5. Dist. Provident Fund Officer, Nalanda.
6. The Principal Secretary, Finance Department, Govt. of Bihar, Patna

.... Respondents

with

=====

Civil Writ Jurisdiction Case No. 17132 of 2016

=====

1. Arshad Khan S/o Sadique Khan R/o village - Dipa Toli, P.S. Jagranathpur, Distt. Ranchi (Jharkhand) Posted as Ward Attendant in the office of Addl. Director at T.B.D.C.
2. Baldeo Rajak Son of Sri Gauri Shankar Rajak resident of village + P.O. Sangrampur, Distt. Munger Presently Working at Ward Attendant in the Office of Addl. Director, T.B.D.C., Darbhanga
3. Sri Abhishek Kumar Son of Ayodhya Prasad R/o village - Nurnagar, P.O. Bhojpur, P.S. Harnaut, Distt. Nalanda Presently Working at Ward Attendant in the Office of Addl. Director, T.B.D.C., Darbhanga
4. Satyendra Prasad Son of Sri Ramji Prasad resident of village - Satakpur, P.O. Barhag, via - Ashthawa, Distt. Nalanda, Presently Working at Ward Attendant in the Office of Addl. Director, T.B.D.C., Darbhanga
5. Ranjeet Kumar Roy Son of Sri Harinandan Roy resident of village + P.O. Amarapur, Via - Baro - Barauni, Distt. Begusarai, Presently Working at Ward Attendant in the Office of Addl. Director, T.B.D.C., Darbhanga
6. Yogendra Kumar Son of Sri Banarasi Ram resident of village + P.O. Abhaypur (Masudan), Distt. Lakhisarai, Presently posted as ward Attendant at Civil Surgeon office, Lakhisarai
7. Rajnandan Kumar Son of Sri Yogendra Mahto resident of Mohalla - Dharamrai Chak, P.O. Lakhisarai, Distt. - Lakhisarai Presently Posted as Ward Attendant,



Civil Surgeon office Lakhisarai

8. Vinay Kumar Yadav Son of Sri Tulsi Prasad Yadav resident of N.D. Road, Ghoshi Tola, P.O. Munger, P.S. Kasimbazar, Distt. - Munger Presently Posted as Ward Attendant at in the Office Addl. D.S. Cum Asstt. A.C.M.O. Communicative Diesis Munger, District T.B. Center Civil Surgeon Office, Munger
9. Kaushlendra Prasad Son of Late Chamari Mahto resident of village - Gonawan, P.S. Manpur, Distt. Nalanda Presently Posted as Ward Attendant in the Office of Addl. Director, T.B.D.C., Darbhanga
10. Sarwan Yadav Son of Sri Balbacha Yadav resident of villge - Balihar, P.O. Dulahpur, P.S. Simari, Distt. Buxar, Presently posted at T.B. Attendant in the the office of Addl. Director, T.B.D.C., Patna
11. Ayodhya Prasad Son of Sri Mahesh Prasad resident of village + P.O. Medanipur, P.S. Dinara, Distt. Rohtas, Presently posited as T.B. Attendant in the Office of Addl. Director, T.B.D.C., Patna

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare Govt. of Bihar, Patna
2. The Director in Charge, Department of Health and Family Welfare Govt. of Bihar, Patna
3. The Director, Tuberculosis Demonstration and Training Center (TBDC) Agamkuan, Patna
4. The Director, Tuberculosis Demonstration and Training Center (TBDC) Agamkuan, Patna
5. The Civil Surgeon - Cum - Chief Medical officer, Lakhisarai
6. The Civil Surgeon - Cum - Chief Medical officer, , Munger
7. The District Provident Fund office, Patna
8. The District Provident Fund office, Lakhisarai
9. The District Provident Fund office, Munger
10. The District Provident Fund office, Darbhanga
11. The Principal Secretary, Finance Department, Govt. of Bihar, Patna

.... Respondents

with

=====

Civil Writ Jurisdiction Case No. 7687 of 2012

=====

1. Sidheshwar Prasad S/O Late Raghunandan Mahto Resident Of Village - Jagua Bigha, P.S. Hulasganj, District - Jehanabad , Presently Posted As Ward Attendant At Tuberclosis Demonstration Centre (Tbdc), Agam Kuan , Patna
2. Rabindra Paswan S/O Sri Chamari Paswan Resident Of Village - Maheshpur, P.S. Chandi, District - Nalanda, Presently Posted As Ward Attendant, Tuberclosis Demonstration Centre (Tbdc), Agam Kuan, Patna
3. Sunil Kumar S/O Sri Ramnandan Paswan Resident Of Village - Hasanpura, P.S. Masaurhi, District - Patna , Presently Posted As Sweeper, Tuberclosis Demonstration Centre (Tbdc), Agam Kuan, Patna
4. Ajit Kumar Son Of Sri Upendra Prasad Singh Resident Of Village - Chhoti Lagma, P.S. Dharhara, District Munger Presently Posted As Ward Attendant Tuberclosis Demonstration Centre (Tbdc), Agam Kuan, Patna
5. Rajnarayan Prasad S/O Sri Ramdhari Prasad Resident Of Village - Kazichak, P.S. Barh, District - Patna Presently Posted As Ward Attendant, Tuberclosis Demonstration Centre, Agam Kuan, Patna



6. Hira Devi W/O Sri Shankar Poddar Resident Of Village - Asarganj, P.S. Asarganj, District Munger, Presently Posted As House Staff, Tuberculosis Demonstration Centre, Agam Kuan, Patna
7. Bharti Kumari W/O Sri Manoj Kumar Resident Of Mohalla - Dakshin Tola, Dumraon, P.S. Dumraon, District - Buxar Presently Posted As Sweeper, Tuberculosis Demonstration Centre (Tbdc), Agam Kuan, Patna
8. Ajay Kumar Son Of Sri Ganauri Prasad Resident Of Village - Bhagwanpur, P.S. Chandi, District Nalanda Presently Pos Ted As Sweeper Tuberculosis Demonstration Centre (Tbdc), Agam Kuan, Patna
9. Sachchidanand Kumar S/O Sri Rajendra Prasad Resident Of Village- Milkipar, P.S. Chandi, District Nalanda Presently Posted As Peon, Tuberculosis Demonstration Centre (Tbdc), Agam Kuan, Patna
10. Jhagru Rajak Son Of Late Bibhishan Rajak Resident Of Village - Avagil, P.S. Mednichak, District Lakhisarai, Presently Posted As Ward Attendant, Tuberculosis Demonstration Centre (Tbdc), Agamkuan, Patna
11. Jainandan Prasad Son Of Sri Umrao Chaudhary Resident Of Village - Maheshpur Dih, P.S. Hilsa District - Nalanda, Presently Posted As Ivth Grade Employee, Tuberculosis Demonstration Centre (Tbdc), Agam Kuan, Patna
12. Md. Anwarul Haque Son Of Md, Reyazul Haque Resident Of Mohalla- Mishriganj, Kotwali Chowki, P.S. Madhubani, District - Madhubani Presently Posted As Ward Attendant Tuberculosis Demonstration Centre (Tbdc) Agam Kuan, Patna
13. Kamlesh Thakur Son Of Sri Jagdish Thakur Resident Of Village - Sukhnandanchak, P.S. Jehanabad District - Jehanabad Presently Posted As Sweeper, Tuberculosis Demonstration Centre (Tbdc), Agam Kuan , Patna
14. Md. Aabid Son Of Md. Khalik Resident Of Village- Nasirganj (Behind Masjid), P.S Nasirganj, District Rohtas Presently Posted As House Staff, Tuberculosis Demonstration Centre (Tbdc), Agam Kuan, Patna
15. Budhram Bhagat @ Budhram Bhagat Uraon Son Of Jatru Bhagat Uraon Resident Of Village - Murto P.S Chandi, District - Ranchi Presently Posted As Sweeper Tuberculosis Demonstration Centre (Tbdc), Agam Kuan, Patna
16. Anil Sharma Son Of Shivdhari Mistri Resident Of Village - Daut Bigha, P.S. Agam Kuan, District - Patna, Presently Posted As Sweeper Tuberculosis Demonstration Centre (Tbdc), Agam Kuan, Patna
17. Munna Chaudhary S/O Late Sukhu Chaudhary Resident Of Village - Khojpura, P.S Hawai Adda, District Patna Presently Posted As Sweeper, Tuberculosis Demonstration Centre (Tbdc), Agamkuan , Patna
18. Tarkeshwar Sharma S/O Rajendra Sharma Resident Of Village- Mohiuddin, P.S. Telhara, District Nalanda Presently Posted As Sweeper, Tuberculosis Demonstration Centre (Tbdc), Agam Kuan, Patna
19. Sharavan Kumar Chaudahry S/O Sri Purushotum Chaudhary Resident Of Village- Barhania, P.S. Sangarnapur, District Munger Presently Posted As Ward Attendant, District T.B. Centre, Banka
20. Ramjee Pandit Son Of Sukar Pandit Resident Of Village- Barsauna, P.S. Wazirganj, District Gaya Presently Posted As Ward Attendant, Tuberculosis Demonstration Centre (Tbdc), Agam Kuan, Patna
21. Nageshwar Prasad Singh S/O Jagdish Prasad Singh Resident Of Chandpur Bela, P.S. Jakkanpur District Patna, Presently Posted As Ward Attendant Tuberculosis Demonstration Centre (Tbdc), Agam Kuan, Patna

.... Petitioners

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Health



Services, Government Of Bihar, Patna

2. The Director-In-Chief, Department Of Health Services Government Of Bihar, Patna

3. The Director, Tuberculosis Demonstration And Training Centre (Tbdc), Agam Kuan, Patna

4. The Incharge Medical Officer, District T.B. Centre, Banka

5. The Principal Secretary, Finance Department, Govt. of Bihar, Patna

.... Respondents

with

=====

Civil Writ Jurisdiction Case No. 17844 of 2016

=====

1. Kamlesh Prasad son of Late Ram Kishun Prasad, Resident of Village- Raili English, P.S.- N.T.P.C., District- Patna. Present posted as Ward Attendant Tuberculosis Demonstration Centre (T.B.D.C.) Agamkuan, Patna.

2. Harsh Bardhan Poddar Son of Late Bindeshwari Poddar, Resident of Village- Dhoraiya, P.S.- Dhoraiya, District- Banka. Present posted as Ward Attendant Tuberculosis Demonstration Centre (T.B.D.C.) Agamkuan, Patna.

3. Shri Kant Sah Son of Shri Aditya Prasad Sah, Resident of Village- Habibpur (Teli Tola), P.S.- Jagdishpur, District- Bhagalpur, Present posted as IVth grade Tuberculosis Center- Navgachhiya.

4. Nageshwar Ram Son of Late Lalan Ram, Resident of Village- Hasanpura, P.S.- Muffasil Ara, District- Bhojpur, Present posted as Chokidar (IVth grade) Tuberculosis Center Koilwar (Bhojpur).

5. Shri Bhagwan Choudhary Son of Late Ram Raj Choudhary, Resident of Village- Doriab, P.S.- Shiv Sagar, District- Rohtas, Present posted as Ward Attendant Tuberculosis Demonstration Center (T.B.D.C.), Agamkuan, Patna.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary Department of Health Services Government of Bihar, Patna.

2. The Director in-Chief, Department of Health Service Government of Bihar, Patna.

3. The Director, Tuberculosis Demonstration and Training Center Agamkuan Patna.

4. The Director, Tuberculosis Center, Navgachhiya.

5. The Director, Tuberculosis Center, Bhojpur.

6. The Principal Secretary, Finance Department, Govt. of Bihar, Patna

.... Respondents

=====

Appearance :

(In CWJC No.16468 of 2016)

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Respondent/s : Mr. Chandra Shekhar Singh, AC to GA10

(In CWJC No.17132 of 2016)

For the Petitioner/s : Mr. Binod Kumar Mishra, Adv.

For the Respondent/s : Mr. Ramadhar Singh, GP25

(In CWJC No.7687 of 2012)

For the Petitioner/s : Mr. Rajeev Kumar, Adv.

For the Respondent/s : Mr. Yogendra Pd. Sinha AAG15

(In CWJC No.17844 of 2016)

For the Petitioner/s : Mr. Rajeev Kumar, Adv.



For the Respondent/s : Mr. Ramadhar Singh, GP25

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 03-04-2017

As prayed, learned counsel for the petitioners is permitted to make appropriate correction in the memo of the parties of the writ petition bearing C.W.J.C.No. 7687 of 2012 during the course of the day.

Heard learned counsel for the petitioners and the learned counsel for the State.

The petitioners in this batch of writ petitions claim identical reliefs and thus, the writ petitions were heard analogous and with the consent of the parties are being disposed of at the stage of admission itself.

The petitioners in this batch of writ petitions are holding the post of T.B. Attendant coming under Category-11 and was a Class IV post coming under Category-12 and seek appropriate direction to the appropriate authorities of the Health Department to accept their joining from 19.2.2002 in so far as T.B. Attendant coming under Category-11 is concerned and from 27.2.2002 in respect of Class IV staff under Category-12 is concerned together with fixation of consequential seniority and grant of notional benefits including benefit of admission under the Old Pension Scheme.



There is no dispute that this issue raised was a subject matter of contest in C.W.J.C.No. 20654/2010 (Raj Narayan & ors. v. the State of Bihar & ors.) and a Bench of this Court taking note of the grievance has allowed the writ petition in terms of the relief so prayed. It was held that the date of joining in so far the T.B. Attendant is concerned would be 19.2.2002 and in so far as Class IV is concerned, would be 27.2.2002. The Bench has directed for fixation of seniority, grant of notional benefits but without any back wages as also to the entitlement of those petitioners to the benefit under Old Pension Scheme.

It is not in dispute that the case of the petitioners in this batch of writ petitions is identical to the cases put to consideration in the case of Raj Narayan (supra) and it is also not in dispute rather manifest from Annexure 8 to C.W.J.C.No. 17132/2016 that the reliefs so directed by this Court has been provided to the petitioners of the said case. In fact on principle there is no contest and the counter affidavit filed in the writ petitions is an evidence thereof where the only stand taken is, that the matter has been forwarded to the Finance Department for necessary approval. It is in consideration of the technicalities so raised that the Principal Secretary, Finance Department, was added as a party to inform this Court, the minimum possible time they would take to accord similar benefits to these



petitioners as provided to the petitioners of Raj Narayan and others in C.W.J.C.No. 20654/2010 and although the matter was adjourned till today but Mr. Chandra Shekhar Singh, learned AC to GA-10, informs that some more time would be needed, which is refused.

Having heard learned counsel for the parties and considering the uncontested position that the cases of these petitioners are squarely covered by the judgment and order of this Court passed in the case of Raj Narayan (supra), I deem it proper to allow all these writ petitions in terms of the judgment and order passed by this Court in the case of Raj Narayan (supra). The authorities of the Health Department and the Finance Department are accordingly directed to extend similar benefits to the petitioners as accorded to Raj Narayan & others (supra) within a maximum period of six weeks from the date of receipt/ production of a copy of his order.

All the writ petitions are allowed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.04.2017
Transmission Date	NA

