

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16251 of 2012

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Meera Singh aged about 43 years, Daughter of Sri Bishundeo Chaudhary, resident of Village - Lakhminia, P.S. - Balia, Dist - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through, the Director-in-Chief, Health Services, Bihar, Patna.
2. The Principal Secretary, Health Department, New Secretariat, Patna, Bihar.
3. The Regional Deputy Director, Health Services, Darbhanga Sub-Division, Darbhanga, Patna.
4. The Civil Surgeon-cum-Chief Medical Officer, Madhubani.
5. The In-Charge, Medical Officer, Bakhari, Dist – Begusarai.
6. The In-Charge, Primary Health Centre, Benipatti, Dist. – Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajoy Kumar Chakraborty, Adv.
For the Respondent/s : Mr. Neeraj Nandan, GP20

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 14-09-2018

Heard Mr. Ajoy Kumar Chakraborty, learned counsel for the petitioner and Mr. Shailesh Kumar, A.C. to G.P. 5 for the State.

Considering the nature of the grievance raised in the writ petition as well as the fact that though this writ petition was filed on 03.09.2012 after service of copies in the office of the Advocate General and yet no counter affidavit is filed even after a lapse of almost 6 years, I deem it proper to dispose of the writ petition on the basis of materials on record.

This petitioner was appointed as a voluntary worker by the Incharge Medical Officer on 20.06.1987 vide Annexure- 1. It is on the



recommendation of the Regional Deputy Director, Health Services as present in his letter dated 13.01.1988 at Annexure- 2 that steps were taken for regularizing her service and which came through the order bearing memo No. 321 dated 16.04.1988 whereby the petitioner was appointed on a Class IV post of Mahila Kachh Sevika vide Annexure 3-series and 4. The petitioner continued on her post for a decade when her services along with several others were sought to be interfered with inter alia on the issue of faulty procedure followed for such appointment as manifest from the order dated 10.02.1998 of the Civil Surgeon cum Chief Medical Officer at Annexure-6. The petitioner represented against her termination before the Director in Chief Health Services on 07.04.1998 at Annexure-7 which representation remained pending.

In the mean time several of the appointees in the Department of Health similarly situated as the petitioner, feeling aggrieved by their respective termination moved this Court and which matter reached the Division Bench in L.P.A. No. 946 of 2003 and analogous cases. Vide judgment and order passed by the Division Bench in the batch of cases on 26.06.2006 since reported in **2006(3) PLJR 386 (State of Bihar versus Purendra Sulan Kit)**, the State was directed to constitute a Committee to examine the claim of the appointees and while disposing of the matters, the State was also directed to consider



the case of even those who had not approached the Court but whose cases were identical to the matters in consideration.

The petitioner, in pursuance of the order passed by the Division Bench again moved the Director in Chief, Health Services on 06.12.2006 vide Annexure- 8 but no steps were taken by the respondent Department to consider her claim in the light of the order of the Division Bench.

Annexure-9 on the other hand, is the proceeding undertaken by the respondents under the orders of the Court where guidelines were set forth for consideration of the cases and following which 91 appointees were regularized on their post vide order dated 20.09.2007 which list at Annexure-9 does not include the petitioner. Feeling aggrieved she again moved the Additional Secretary, Health Department in the matter on 07.08.2012 but since nothing was done that she is before this Court.

The short submission made by Mr. Chakraborty to question the action of the respondent is that even though the petitioner did not join the other petitioners in the batch of cases disposed of by the Division Bench but in the nature of the direction issued by the Division Bench present at paragraph 11 which covers the cases of even those who did not join the petitioners, it was the bounden duty of the Department to consider the cases of those similarly situated. It is submitted that it is



in the light of the direction present at paragraph 11 of the Division Bench judgment that the petitioner approached the Director in Chief, Health Services but to no avail and hence the writ petition.

It is unfortunate that a lapse of 6 years has not been found sufficient for the State to respond to the grievance raised and in the circumstances noted above, instead of awaiting counter affidavit, I deem it proper to direct the Director in Chief, Health Services to consider the grievance of the petitioner and pass appropriate orders in accordance with law within a period of 3 months from the date of receipt/ production of a copy of this order.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

Bibhash/Ranveer

AFR/NAFR	A.F.R.
CAV DATE	NA
Uploading Date	25.09.2018
Transmission Date	NA

