

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 2764 of 2016

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1. Suman Kumari, Wife of Randhir Kumar Sinha, Vill + P.O - Rasalpur, District- Nawada
 2. Kumari Saroj Sinha, Wife of Salendra Kumar, R/o Aramkuan, Gulzarbagh, Patna.
 3. Ranju Kumari, Wife of Shree Kishori Prasad, Maharani Bhawan, Gulzarbagh, Patna.
 4. Rekha Kumari, Wife of Nawal Kishore Yadav, Nursing quarter, P.M.C.H., Patna.
 5. Renu Kumari -II, daughter of Ramjee Prasad, resident of Nurses Hostel, Patna Medical College and Hospital, Police Station-Bankipur, District-Patna.
 6. Rita Kumari-II, Wife of Anil Kumar, Ranipur, Khirikhi, Patnacity, Patna.
 7. Ahilya Kumari, Wife of Ram Swarth Singh, New Main Gate, P.M.C.H. Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Health, Patna
2. The Director-in-Chief (Nursing), Health Service, Bihar, Patna.
3. The Superintendent, Patna Medical College Hospital, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar
For the Respondent/s : Mr.Smt. Nivedita Nirvikar- Ga10

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 28-03-2019 The writ petition has been filed challenging the decision of the Director-in-Chief (Nursing), Health Services, Bihar, Patna dated 05.12.2015 deputing the petitioners as Nursing Tutors at different ANM/GNM Training Centres of the State.

The grievance of the petitioners is that the petitioners



should not be deputed in the aforesaid manner in their own pay scale.

The State has filed counter affidavit wherein specific stand has been taken that in the interest of administrative requirement, the petitioners have been posted at the ANM/GNM Training Centres. Petitioners cannot be permitted to have a posting of their own choice and due to administrative exigencies, since their services are required, decision has been taken by the Director-in-Chief (Nursing).

Learned counsel for the petitioners, however, submits that if they are posted on the post of Nursing Tutors, then their claim for pay scale and other facilities attached to the said post should be granted to them.

Without making any such claim before the respondent-authorities, the petitioners have directly rushed to this Court.

In view of the aforesaid circumstance, the writ petition is disposed of with liberty to the petitioners to raise the issue for grant of benefits attached to the post of Tutor (Nursing) on which post they have been deputed. In case, such claim is made by the petitioners and if they have joined their deputed place of posting, their claim shall be considered by the Director-



in-Chief (Nursing) (respondent No 2) without any undue delay
and expeditiously.

(Madhuresh Prasad, J)

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