

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17374 of 2011

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Smt. Santi Kumari Wife of late Sachidanand Sinha S/o late Parmanand Sinha,
Resident of Village- Babhana P.S. Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner-Cum-Secretary, Health and Family Welfare Department,
Govt. of Bihar, Patna.
3. The Director in Chief Health Department, Govt. of Bihar, Patna.
4. The Deputy Director, Health Service (Tuber Colosis), Kadam Kuan, Patna.
5. The District Tuber Classis Officer, Nalanda, Bihar Sharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Krishna Kant Tiwari AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 14-10-2019

From the averments made in the writ petition, it appears that the petitioner was functioning as B.C.G. Team Technician. He claims to be I.Sc trained and also trained in B.C.G. possessing the minimum qualification of B.C.G. Team Leader and, therefore, was entitled to get the salary in the pay scale of Rs. 5000 to 8000 in Pay Band 2 with grade pay of Rs 4200/-. It is stated, however, that he is getting the pay scale of B.C.G.



Technician in the scale of Rs. 4000 to 6000 in the Pay Band- I with grade pay of Rs. 2400/-.

2. None appears on behalf of the petitioner.

3. Counsel for the State submits that issue is still to be considered by the respondent authorities.

4. The prayer in the writ petition is also only for a direction to the respondent to consider the petitioner's eligibility for the pay scale of Rs. 5000/- to 8000/- in pay Band II with Grade pay of 4200/- as B.C.G. Team Leader w. e.f. 01.04. 2007. Pendency of the instant proceedings would thus be futile.

5. The petitioner had made a representation for consideration before the Director in Chief, Health Services, Govt. of Bihar (respondent no.3). The representation of the petitioner is Annexure-7 to the writ petition.

6. Records reveal that after filing writ petition, the original writ petitioner has passed away. The wife of the original petitioner now stands substituted in the instant writ proceedings. Since prayer is for a direction to consider the petitioner's claim, no adjudication is required in the instant proceedings and the writ petition is disposed off with direction to the respondent no.3 to dispose of the petitioner's representation (Annexure-7) by a reasoned and speaking order



in accordance with law under due intimation to the petitioner, if the same has not been done till date. The decision should be taken expeditiously, and without any undue delay and preferably within four (04) months.

7. The writ petition stands disposed off.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	16.10.2019
Transmission Date	

