

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13417 of 2019

1. Rabindra Kumar Son of Sohrai Prasad R/o Village- Erai Benipur Barbatta, P.S.- Daniyawan, Dist.- Patna, At Present posted at T-B. Assistant, District T.B.Centre, Nalanda.
2. Arun Kumar Son of Late Ramcharitra Prasad Singh R/o Village- Dumri, P.S.- Barahiha, Dist.- Lakhisarai, At Present posted at T-B. Assistant, District T.B.Centre, Nalanda.
3. Rajendra Prasad Bhagat Son of Late Raghunandan Prasad Bhagat Referral Hospital Road Mahagawan, P.S.- Mahagwan, Dist- Godda (Jharkhand). At Present posted at T-B. Assistant, District T.B.Centre, Nalanda.
4. Krishna Prasad Singh Son of Late Ramnandan Prasad R/o Village- Bum Police Gali, Mahendru, P.S.- Sultanganj, Dist.- Patna, At Present posted at T-B. Assistant, District T.B.Centre, Nalanda.
5. Shiv Shankar Raut Son of Late Rad Das Raut R/o Village- Bajrangpuri, P.S.- Alamganj, Dist.- Patna, Present posted at T-B. Assistant, District T.B.Centre, Nalanda.
6. Arun Kumar Son of Late Muneshwar Pandit R/o Village- Singthoo, P.S.- Manpur, Dist.- Nalanda, At Present posted at T-B. Assistant, District T.B.Centre, Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary Health Department Govt. of Bihar, Secretariat, Patna.
3. The Director-in- Chief Health Services, Bihar, Patna.
4. The Accountant General Bihar, Patna.
5. The State Programme Officer T.B. Cum- Deputy Director, T.B. Bihar, Agam Kuan, Patna.
6. The Civil Surgeon-cum- Chief Medical Officer Nalanda at Bihar Sharif.
7. The District T.B. Officer Nalanda at Bihar Sharif.
8. The Treasury Officer Nalanda at Bihar Sharif.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar, Advocate
For the Respondent/s	:	Mr. Rajeshwar Singh (GA10)
		Mr. Purushottam Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 08-07-2019

Heard the learned counsel for the parties.



2. The petitioners who are T.B. Assistants in the District T.B. Centre, Nalanda have approached this Court for a direction to the concerned respondents for making available to them the ACP and other benefits to which they are entitled and which has not been paid to them without any reason.

3. It has been submitted that the petitioners were appointed as T.B. Assistants and their services were confirmed in the department. The service rules for T.B. Assistants requires them to pass departmental examination as also the examination for testing the computer literacy of such persons. The petitioners have appeared in such departmental examination several times but have not been able to pass on any occasion. They are now 50 years of age and are entitled for exemption from passing such examination as they have appeared, though unsuccessfully in such departmental examination and have crossed the age of 50 years. Necessary application on behalf of the petitioners have also been filed for grant of exemption for



appearing and passing for departmental and in computer literacy examination.

4. It has been submitted that even the Civil Surgeon-cum-Chief Medical Officer, Nalanda at Bihar Sharif has sought details of the service conditions of the petitioners from the superintendent of respective hospitals where the petitioners are posted for the purposes of making them available the benefits of the ACP. Till date, it has been urged, no decision has been taken with respect to the grievance of the petitioners.

5. Under the aforesaid circumstances, the petitioners are directed to make a fresh representation before the Civil Surgeon-cum-Chief Medical Officer, Nalanda at Bihar Sharif (respondent no. 6) within a period of four weeks, who, on receipt of such representations, after verifying the records and finding out that the petitioners have been given exemption from passing the departmental examination, shall pass necessary orders in



accordance with law redressing the grievances of the petitioners within a further period of six weeks thereafter.

6. With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2019
Transmission Date	

