

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1370 of 2016

1. Shree Bhagwan Sharan and Ors S/o Late Harinandan Prasad resident of Mohalla Kailashpuri, Ward No.11, P.S- Dumra, District- Sitamarhi-843301.
2. Satyendra Kumar Jha aged about 63 years S/o Late Madhusudan Jha resident of Mohanpur, P.S.- Peprahi, District- Sheohar.
3. Rajendra Chaudhary aged about 63 years S/o Late Sakhichandra Chaudhary resident of Village- Dumra, P.O.- Madanpur, P.S.- Parsanni, District- Sitamarhi.
4. Vinay Kumar Singh aged about 65 years S/o Late Ram Eqbal Singh resident of village P.O- Righa, P.S.- Righa District- Sitamarhi
5. Rajendra Roy aged about 61 years s/o Late Subhash Roy resident of Village- Kachchariper, P.O- Bandarjhula, P.S.- Sonversa, District- Sitamarhi.
6. Ranjit Kumar Kanth aged about 62 years son of Late Chandrakant Kanth resident of Village P.O-Rewari, P.S- Ujeyarpur, District- Samastipur.
7. Manyukta Kumari aged about 55 years D/o Late Ram Ashish Singh resident of Village- Dularpur, P.O- Lokhanper, P.S.- Punpun, District- Patna.
8. Saroj Kumar Sharma age about 58 years S/o Late Ramkaran Pandey resident of Village- Vishaldugama, P.O.- Akau, P.S.- Jogiyara, District- Madhubani.
9. Lalit Kumar Jha aged about 57 years S/o Late Dwarika Jha resident of Village- Chanpura, P.O- Dhanukhi, P.S.- Bashaitha, District- Madhubani.
10. Sanjay Kumar Singh aged 52 years S/o Late Anand Bihari Singh, resident of Village P.O- Akhtiyarpur Pothida, P.S.-Sarai, District- Vaishali.
11. Vinod Kumar aged about 54 years S/o Late Ram Iqbal Prasad resident of Village P.O- Gandhi Nagar Ghorasohan, P.S.- Ghorashan, District- East Champaran, Motihari.
12. Shashikant Prasad aged about 67 years s/o Late Ramashish Prasad, resident of Village- Pakri, P.O- Rewashi, P.S.- Righa, District- Sitamarhi.
13. Ram Kripal Chaudhary aged about 62 years S/o Late Rajendra Chaudhary, resident of Villgag- P.O- Bangaon, P.S.- Bajpatti, District- Sitamarhi.
14. Sureshwar Jha aged about 65 years S/o Late Bhagyabant Jha, resident of Mohanpur, P.S- Piprahi, District- Sheohar.
15. Anil Kumar aged about 65 years s/o Late Shreenarayan Prasad resident of Mohalla Kailashpuri, Ward No. 9, P.S.- Dumra, District- Sitamarhi.
16. Ashok Kumar Verma aged about 61 years S/o Late Badri Narayan resident of Verma Press, Mahant Sah Chowk, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Department of Health, Govt. Of Bihar, Vikas Bhawan, PS Sachivalaya, District Patna
2. The Principal Secretary, Finance Development, Govt. of Bihar having his office at Old Sectariate,



3. The Director in Chief, Department of Health having his office at Vikas Bhawan, P.S.- Sachivalaya, D
4. The Director Health Services Department of Health Leprosy and Control Scheme under National Leprosy
5. The Accountant General Bihar, Patna having his office at Birchand Patel Path, P.S.- Kotwali, Distri
6. The Principal Secretary, Health Department having his office at Vikash Bhawan, District Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukeshwar Dayal Mr. Vikas Mohan
For the State	:	Mr. Dinesh Mahraj, AC to AAG 11
For Respondent No. 5	:	Mr. Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 27-02-2019 Counsel for the petitioners is permitted to implead

Principal Secretary, Department of Health, as respondent No. 6

to the writ petition.

Heard learned Counsel for the petitioners and the
learned Counsel for the respondent State.

Counsel for the petitioners submits that having
qualification of Intermediate the petitioners have been appointed
and are working on the post of Non Medical Assistant Leprosy.

It is submitted that Fitment Appellate Committee
Report has recommended grant of scale of Rs. 4500-7000/- to
such Non Medical Assistants who were having qualification of
Intermediate. In this respect the claim of the petitioners is
pending consideration before the Principal Secretary, Health



Department, Government of Bihar, Patna, copy of the same is Annexure 5 to the writ petition.

It is submitted by the parties that since a decision on the claim of the petitioner was only to be taken after due deliberation between Health Department and Finance Department, therefore, the petitioners should be allowed to submit representation afresh before both the authorities so as to facilitate a decision in this respect expeditiously.

In view of submission of the parties petitioners are allowed liberty to place their claim for the scale in question on the ground of Intermediate qualification in terms of recommendation of the Fitment Appellate Committee before the Principal Secretary, Health Department as well as Principal Secretary, Finance Department, respondent Nos. 6 and 2 respectively within a period of four weeks. The petitioners may also rely upon the decision of this Court in the case of *Upendra Narayan Singhy Vs. State of Bihar* reported in *2011(2) PLJR 281* as well as judgment in the case of *State of Bihar vs. Sanjay Kumar* in *LPA No. 859 of 2007*.

The respondents should take a decision in the matter expeditiously and without any undue delay.

The writ petition is disposed of with the liberty as aforesaid.

(Madhuresh Prasad, J)

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