

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14852 of 2019

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Smt. Sushila Devi W/o Sri Satyendra Trivedi Vill.- Pyarepur, P.o.- Pyarepur,
P.s.- Sarmera, Distt.- Nalanda, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Chief Secretary Govt. of Bihar, Patna
3. The Addl. Chief Secretary Department of Health, Govt. of Bihar, Patna
4. The Director of Chief (Family Welfare) Health Services, Bihar, Patna
5. The Director Department of Health, Govt. of Bihar, Patna
6. The Civil Surgeon cum Member Secretary District Health Society, Nalanda, Bihar
7. The Medical Officer Primary Health Centre, Sarmera, Nalanda, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Tiwary, Advocate
For the Respondent/s : Mr. Nagendra Prasad Yadav (Sc23)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 25-07-2019

Heard the learned counsel for the parties.

2. The petitioner, a Voluntary Health Worker had approached this Court earlier vide C.W.J.C. No. 5337 of 2016 with a prayer for regularization of her service on such post of Voluntary Health Worker as she had been working on such post since 1990 and claimed regularization on the basis of an observation made by the Supreme Court in ***Secretary State of Karnataka Vs. Uma Devi reported in 2006 (2) P.L.J.R. SC 363.***



3. Considering the aforesaid submissions urged on behalf of the petitioner at that time, a Bench of this Court vide order dated 19.12.2018 directed the petitioner to make a representation before the concerned authority for him to look into the facts of the case and pass a reasoned order within a reasonable period of time.

4. Thereafter, on the representation of the petitioner, an order has been passed by the Civil Surgeon-cum-Member Secretary, District Health Society, Nalanda on 12.03.2019 contained in Memo No. 624.

5. The aforesaid order is under challenge.

6. The order impugned clearly indicates that the post of Voluntary Health Workers is not sanctioned. Work was taken from such Voluntary Health Workers under a scheme where three sub-centres of a Primary Health Centre were opened. The aforesaid scheme has been closed since 2002. Under the Village Health Guide, which has been brought out on 01.03.2019, it has clearly been stipulated that all claims of such Voluntary Health Workers



for their regularization/induction/appointment/re-appointment have been consigned to the files and if any work henceforth is taken from them, payment shall be the exclusive/personal responsibility of such Civil Surgeons.

7. The claim of the petitioner for being regularized was therefore rejected.

8. There is no reason for this Court to interfere with the aforesaid order or to direct the authorities to do anything otherwise.

9. At this stage, learned counsel for the petitioner submits that the petitioner is still working as Voluntary Health Worker. This statement does not appear to be correct factually as no request was made before the Civil Surgeon-cum-Member Secretary, District Health Society, Nalanda for being paid the remuneration for the period that she has worked. No work according to the government policy is being taken from Voluntary Health Workers.



10. The present petition, in the opinion of this Court is a misadventure where the loss exclusively has fallen on the hapless petitioner who is a lady.

11. I need say no further.

12. The petition being ill-advised stands dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.07.2019
Transmission Date	

