

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13443 of 2019

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Sunil Jha S/o Mahesh Jha, Resident of Village Kauriya Lalpur, P.S.
Runisaidpur, District -Sitamarhi

... .. Petitioner/s

Versus

1. The Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Health, Government of Bihar, Patna
3. The Additional Secretary, Department of Health, Government of Bihar, Patna
4. The Directorate, Department of Health, Government of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Barnwal, Advocate Mr. Punit Kumar, Advocate
For the Respondent/s	:	Mr. S.D. Yadav (A.A.G. 9)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2020

Petitioner has prayed for the following relief(s) :-

- “(a) For issuance of writ in the nature of mandamus directing the respondent authorities to implement the basic qualification for the appointment of the GNM/Attendants in the light of the directions issued in *Annamalai University Vs. Secretary to Government Information and Tourism Department* passed by Hon’ble Supreme Court.
- (b) For issuance of writ in the nature of quo warranto directing the respondents to remove the disqualified and ineligible persons holding the post of sister tutor in various GNM schools without holding the basic qualifications as directed by the Apex Court.
- (c) For issuance of any other writ/writs, orders/orders, direction/directions which may appear fit and proper in the facts and circumstances of the present case.”



Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the local level by the appropriate authorities.

We find that the interest of justice should be best served, if petitioner approaches the concerned respondent within a period of four weeks for venting out his all rights and grievances also pointing out issues of public interest, including the subject matter of the present petition.

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.



Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

chn/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2020
Transmission Date	

