

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10028 of 2016**

1. Sangita Devi, wife of Lalan Singh @ Lallu Singh, resident of village-Kaser, Police Station-Bhagwanpur, District-Kaimur.  
2. Aasha Gupta, wife of Ram Keshwar Sah, resident of village-Kunj, Police Station-Bhabua, District-Kaimur.  
3. Manju Kuwar, Wife of Late Rabindra Nath Singh, resident of village-Mokari, Police Station-Bhabua, District-Kaimur.  
4. Sunaina Devi, wife of Kripa Narayan Singh, resident of village-Datiyaon, Police Station-Bhabua, District-Kaimur.  
5. Radhika Devi, wife of Indradeo Singh, resident of village-Mokari, Police Station-Bhabua, District-Kaimur.  
6. Tara Devi, wife of Bideshi Ram, resident of village-Kochadi, Police Station-Bhagwanpur, District-Kaimur.  
7. Tara Devi, wife of Jokhu Ram, resident of village-Dadaniyan, Police Station-Bhabua, District-Kaimur. ... .. Petitioners

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Bihar, Patna.  
2. The District Magistrate-cum-President District Health Committee, Kaimur at Bhabua.  
3. The Civil Surgeon-cum-Secretary, District Health Committee, Kaimur at Bhabua.  
4. The In-Charge, Medical Officer, Primary Health Centre, Bhabua, District-Kaimur at Bhabua.  
5. The In-Charge, Medical Officer, Primary Health Centre, Bhagwanpur, District-Kaimur at Bhabua. ... .. Respondents

**Appearance :**

For the Petitioners : Mr. Rajesh Kumar Pathak  
For the Respondents : Mr. Mujtabaul Haque

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

4      10-08-2021                      The petitioners claim that they are Asha workers.

They have challenged an order dated 14.10.2016 passed by the Civil Surgeon-cum-Secretary, District Health Committee, Kaimur at Bhabhua, whereby petitioners have been removed from the said post.

When the Court wanted to ascertain the nature of engagement of the petitioners, it has been learnt that no such



document has been brought on record on behalf of the petitioners. In the absence of the terms of engagement of the petitioners as Asha workers, the Court cannot entertain this application.

Be that as it may, when the matter was taken up on 27.07.2021, following order was passed : -

*This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.*

*The petitioners were Aasha Workers, as stated in the writ application. They have filed the present writ application seeking quashing of an order passed by the Civil Surgeon-cum-Secretary, District Health Committee, Kaimur at Bhabhua dated 14.10.2016 whereby they have been removed from the said post.*

*Learned counsel appearing on behalf of the petitioners states that the petitioners have no other alternative remedy, as no forum at all has been provided for redressal of their grievances and, therefore, the petitioners were left with no other option than to approach this Court exercising extraordinary inherent writ jurisdiction under Article 226 of the Constitution of India.*

*A counter affidavit has been filed on behalf of the State of Bihar.*



*Let the Additional Chief Secretary, Health Department, Government of Bihar file an affidavit, as to whether any redressal mechanism is there in place for entertaining the grievance of the nature which has been raised by the petitioners in the present writ application.*

*If there is no other alternative remedy, the Court will have no other choice but to entertain this application, if the same is not otherwise maintainable. But at the same time the Court would observe that the Court is overburdened with litigations and, cases of such nature are adding to the already pending cases, because, though the State authorities in order to implement their various schemes appoint persons in different capacities, they do not provide for any redressal mechanism. The persons aggrieved are thus left with no other option but to approach this Court.*

*This Court will consider passing appropriate orders after the affidavit is filed by the Additional Chief Secretary, Health Department, Government of Bihar. The affidavit must be filed within one week.*

*Let the counter affidavit filed on behalf of the State of Bihar be served on learned counsel for the petitioner.*

*List this case on 03.08.2021.*



In response to the said direction, a counter affidavit has been filed sworn by the Additional Chief Secretary, Health Department, Government of Bihar, wherein following statements has been made in paragraph 6, 7 and 8 :-

*“6. That the answering respondent Additional Chief Secretary, Health Department, Government of Bihar, has highest regard for order passed by this Hon’ble Court and further humbly and respectfully submits in respect to compliance of order dated 27.07.2021 passed by this Hon’ble Court that the Grievance redressal committee as mechanism has already been constituted on directorate level in Health Department, Bihar, Patna vide letter memo no.259(13) dated 17.11.2011 issued by Additional Secretary, Health Department, Government of Bihar, Patna, headed by Director-in-Chief, Health Department, Bihar, Patna appointed as chairman of said committee with one-member secretary and two members appointed from the rank of Deputy Directors, Health Services, Bihar, Patna. The said Grievance redressal committee on directorate level has already been functioning for the purpose to mitigate the heavy burden of litigations upon Hon’ble Patna High Court under the provision of*



*Bihar State litigation policy, 2011 embodied in clause 4A(1)(5). The said grievance redressal committee was constituted and has been functioning to redress the grievances of aggrieved parties, aggrieved section officers and employees including retired employees also.*

*7. That it is submitted that in light of aforesaid provision such aggrieved employees as petitioners should submit their representation applications before or addressing to Director-in-Chief, Health Services, Bihar, Patna. Thereafter aggrieved petitioners will get the acceptance receipt of the representation applications. The aggrieved petitioners' representation applications will be disposed of within 8 weeks and it will also be communicated to the aggrieved petitioners about the disposal order of the said grievance redressal committee subjected to petitioners' representation applications.*

*8. That it is humbly submitted that departmental grievance redressal committee was also constituted and functioning for the purpose to mitigate the burden of litigations upon Hon'ble Patna High Court under the said provision of Bihar State litigation Policy, 2011 to redress the grievances of aggrieved party and government employee*



*which was also published in Bihar Gazette Extraordinary by the authority on dated 31 March, 2011 (Law Department, Bihar Patna). The said departmental grievance redressal committee headed by the Principal Secretary, Health Department, Bihar, Patna, with its six members from the rank of Special Secretary, Additional Secretary, Joint Secretary, Deputy Secretary and Under Secretary has already been functioning vide letter no. 75(13) dated 26.02.2018 and vide letter no. 164(13) dated 03.08.2011.”*

In view of the stand taken on behalf of the State of Bihar, this application is disposed of with a direction that the petitioners shall have liberty to approach the Grievance Redressal Committee. If they approach the Grievance Redressal Committee within two weeks from today, it is expected that the said Committee shall consider the petitioners' grievance in accordance with law and dispose it of within the time stipulated by the Department.

This writ application stands disposed of with the aforesaid directions.

**(Chakradhari Sharan Singh, J)**

Pawan/-

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