

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13102 of 2021

1. Aditya Anand Son of Harishankar Singh, Resident of Village-Sahbajpur, P.S.-Ahiyapur, District-Muzaffarpur.
2. Ranjan Prasad, Son of Jasman Prasad, Resident of Village-Kharhar, P.S.-Minapur, District-Muzaffarpur.
3. Dhiraj Kumar, son of Krishna Kumar Shahi, Resident of Village-Damodarpur (Housing Board), P.S.-Kanti, District-Muzaffarpur.
4. Ravin Kumar, Son of Ramsakal Prasad, Resident of Village-Majhauilya, P.S.-Minapur, District-Muzaffarpur.
5. Abhay Kumar, son of Arjun Singh, Resident of Village-Bishunpur Pandey, P.S.-Minapur, District-Muzaffarpur.
6. Sanjeev Kumar, Son of Shiv Shankar Sah, Resident of Village-Gorigama, P.S.-Minapur, District-Muzaffarpur.
7. Santosh Kumar, son of Rama Shankar Prasad Yadav, Resident of Village-Nandana Lautan, P.S.-Minapur, District-Muzaffarpur.
8. Rakesh Kumar, son of Shambhu Bhagat, Resident of Village-Majhauilya, P.S.-Jhaphan, District-Muzaffarpur.
9. Vibha Kumari, Wife of Raskesh Kumar, Resident of Village-Majhauilya, P.S.-Jhaphan, District-Muzaffarpur.
10. Shiv Kumar, son of Ram Narayan Singh, Resident of Village-Jarang Mllahtoli, P.S.-Gaighat, District-Muzaffarpur.
11. Diksha Kumari, wife of Rajmohan Nayak, Resident of Village-Sahbajpur, P.S.-Ahiyapur, District-Muzaffarpur.
12. Aakriti, daughter of Dinesh Prasad Singh, Resident of Village-Karnaul Chaturbhuj, P.S.-Sahebganj, District-Muzaffarpur.
13. Prince Kumar, Son of Murari Prasad, Resident of Mohalla-Kathipul Sugga Mandir, P.S.-Mazuimohammadpur, District-Muzaffarpur.
14. Ramlal Kumar, son of Jaleshwar Bhagat, Resident of Village-Gosain Chapra, P.S.-Saraiya, District-Muzaffarpur.
15. Harinarayan Ram, son of Devendra Ram, Resident of Village-Aimabishunpur, P.S.-Karza, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Health Department, Government of Bihar.
3. The Officer on Special Duty, Establishment, Health Department, Government of Bihar.
4. The District Magistrate-cum-Collector, Muzaffarpur.
5. The Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pandey Bipul Kumar, Advocate
Ms. Surya Nilambari, Amicus Curiae
For the Respondent/s : Mr. Ajay Behari Sinha, GA 8

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

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 17-08-2021

Petitioners have prayed for the following relief(s):

“For issuance of appropriate writ/writs directing the respondent and other concerned authorities to reinstate in service the 780 paramedical personnel and other health workers hired during COVID-19 pandemic and who have been terminated from service arbitrarily on 22-6-2021 by the Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur in compliance of a direction issued by Officer on Special Duty, Establishment, Health Department, Government of Bihar. All these health workers have been terminated from service by the abovementioned single order. This petition prays further that aforesaid paramedical personnel and other health workers be paid wages for entire three months for the services rendered by them and be given weightage in appointment against regular vacancies on account of their excellent work.”

While issuing notice, we had confined the petition to the averments made in para-20 of the petition which are



reproduced hereunder:

“20. That till date these poor health workers have not been paid wages for their services. Non-payment of even minimum wages to these health workers and arbitrary termination of their service amounts to their exploitation at the hands of authorities and is a denial of their right to live with basic human dignity and is a violation of Article 21 of the Constitution of India.”

We find that in the response filed by Respondent No. 5, Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur, there is no specific denial of the averments reproduced (supra).

At this stage, learned counsel for the said respondent states that upon verification of fact by the Civil Surgeon, wages, complete in all respect, would be paid to such of those petitioners who have actually worked and discharged their duties, more so during the time of pandemic Covid-19.

Statement accepted and taken on record.

Petition stands disposed of with the following directions:

(1) Petitioners shall make themselves available in the office of the Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur, Respondent No. 5, on 21.08.2021 who shall, after ascertaining the factum of they having discharged their duties,



ensure disbursement of wages in entirety. Same shall be done within a period of one week from the date of ascertaining such fact, but not later than four weeks from today.

The issue as to whether the petitioners' engagement was legal or illegal, would not be gone into, for if the petitioners have already served the State, they would be entitled to the wages payable to regularly selected persons. However, If their engagement is illegal, their action be taken against the appointing authority for which the petitioners cannot be penalized.

We fully appreciate the efforts put in and assistance rendered by learned Amicus Curiae Ms. Surya Nilambari, Advocate.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.08.2021
Transmission Date	

