

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10775 of 2020

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Rima Kumari wife of Ashok Kumar Singh, Resident of Mohalla - New Atwarpur, P.S. - Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Health Department, Government of Bihar, Patna.
4. The Under Secretary-cum-Public Information Officer, Health Department, Govt. of Bihar, Patna.
5. The Director, Health Department, Government of Bihar, Patna.
6. The State Health Society, Bihar, Patna through its Secretary.
7. The Secretary-Cum-Executive Director, State Health Society, Bihar, Patna.
8. The District Magistrate-Cum-Chairman, District Health Society, Patna District- Patna.
9. The Civil Surgeon - Cum- Secretary, District Health Society Patna, district- Patna.
10. The Medical Officer Incharge (MOIC), Primary Health Centre, Barh, District- Patna.
11. The Medical Officer Incharge, Primary Health Centre, Athmalgola, District- Patna.
12. The Medical Officer - In- charge, Primary Health Centre, Naubatpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar, Advocate
For the State	:	Mr. Ajay Behari Sinha, GA-8
For Resident Nos. 6 & 7	:	Mr. K.K. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 23-11-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:

“(i) For issuance of a writ in the nature of certiorari or any other appropriate



writ/order/direction to quash or set-aside the letter No. 621 dated 16.10.2018 issued by the Medical Officer, Incharge, Primary Health Centre, Athmalgola, District- Patna, whereby and whereunder the grievance of petitioner with regard to increase in payment of fixed salary has been rejected.

(ii) Further, for issuance of a writ in the nature of Mandamus or any other appropriate writ/order/direction to the respondents to grant the increased fixed salary from 11.11.2014 to December, 2015 as per order dated 11.11.2014 (Annexure-7 issued by the Joint Secretary, Health Department, Government of Bihar, Patna by which the salary of ANM has been increased from Rs. 11500/- to Rs. 15,000/-.

(iii) Further, for issuance of a writ, in the nature of Mandamus or any other appropriate writ/order/direction to the respondents to pay the differences of arrears of salary from 11.11.2014 to December, 2015 with appropriate interest.

(iv) And for any other appropriate writ/order direction for any other relief(s) as your Lordships may deem fit and proper as per the facts and circumstances of this case.”

3. Short question for consideration in the present case is whether petitioner is entitled to pay @ Rs. 11500/- to Rs. 15,000/- attached to the post of ANM or not.

4. Learned counsel for the respondents vehemently contended that having regard to the nature of appointment petitioner is not entitled to pay-scale attached to the post.

5. The Apex Court in the case of *State of Punjab & Others V. Jagjit Singh & Others* reported in (2017) 1 SCC 148



decided on 26.10.2016 has held that even a temporary employee is entitled to pay attached to the post. In other words “equal pay for equal work” principle has been interpreted.

6. In the light of Apex Court’s decision, petitioner has made out a case.

7. The concerned respondent is hereby directed to calculate the arrears of pay and disburse to the petitioner within a period of three months from the date of receipt of this order along with interest @ 6% per annum. At this stage, learned counsel for respondents pointed out para 7 of the counter affidavit in which it is stated that mode of appointment is required to be taken note of for the purpose of extending pay-scale. In the light of Apex Court’s decision (supra). The aforesaid statement made in para 7 of the counter affidavit is hereby rejected.

8. The instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.11.2021
Transmission Date	

