

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3448 of 2021**

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1. Harsh Sahay Son of Dilip Kumar Sinha Resident of C/o of Sri S K Sahay, ITO Behind, Giridhari Cold Store, Aghoria Bazar, P.S. Kazi Mohammad, District Muzaffarpur, Bihar.
2. Md. Shahabuddin Ansari Son of Md. Zilani Ansari Resident of Munna Timber House, Block Road, Madhepur West, P.S.- Madhepur, District- Madhubani.
3. Md. Adil Hussain Tahir Son of Md. Mojibur Rahman Resident of Dhatta, P.S.- Barsoi, District- Katihar.
4. Ravi Prakash Son of Chandra Bhushan Prasad Resident of Madhepur, P.S.- Madhepur, District- Madhubani.
5. Mohd Ataur Rahman Son of Anwar Alam Ansari Resident of Mirpur, P.S.- Chiraiya, District- East Champaran.
6. Anaagat Son of Gulzar Ram Resident of Bhagwan Pur, P.S.- Sadar District- Muzaffarpur.
7. Md. Shameem Son of Md. Khalilullah Resident of Karsahiya, P.S.- Dhaka, District- East Champaran.
8. Sanjeev Kumar Mishra Son of Narsingh Mishra Resident of Bharpurwa, P.S.- Vijayipur, District- Gopalganj.
9. Dilip Kumar Tiwari Son of Ramayan Tiwari Resident of Amwa, P.S.- Kateya, District- Gopalganj.
10. Ravi Ranjan Son of Birendra Pandey Resident of H.No.-9, Road No.10, Near Shiv Mandir, Indrapuri, P.S.- Phulwarisharif, District- Patna.
11. Dhiraj Kumar Son of Kapil Deo Prasad Resident of Village Parvatia Tola, (Krishna Puri Colony), P.O.- Belbagh, District- West Champaran.
12. Md. Rahmate Alam Son of Md. Azyur Rahman Resident of Marghiya, P.S.- Sadar Tola, Katihar.
13. Anil Kamal Son of Suresh Prasad Singh Resident of Near Pani Tanki, Masud Bigha Ward No.10, P.S.- Barh, District- Patna.
14. Niraj Kumar Son of Rajendra Prasad Mandal Resident of Padia, P.S.- Bariyarpur, District- Munger.
15. Tarique Anwar Son of Manzurul Haque Resident of Purushottam Pur, P.S.- Chhauradano, District- East Champaran.
16. Gulam Mohammad Hussain Son of Md. Imtiaz Hussain Resident of Nauranga, P.S.- Aajamnagar, District- Katihar.
17. Kamlesh Kumar Son of Bhogindra Gohiwar Resident of Usarahi, P.S.- Deodha, District- Madhubani.
18. Niraj Kumar Son of Vinod Kumar Resident of Balughat, P.S.- Muzaffarpur Sadar, District- Muzaffarpur.
19. Md. Neyaz Ahmad Son of Seraj Ahmad Resident of Bheriherwa, P.S.- Ramgarhwa, District- East Champaran.
20. Santosh Kumar Yadav Son of Binod Kumar Yadav Resident of Bishapur,



P.S.- Shaharghat, District- Madhubani.

21. Md. Asif Anwar Son of Md. Saim Khan Resident of Urdupur, P.S.- Tatarpur, District- Bhagalpur.
22. Rajeev Kumar Son of Nagendra Prasad Resident of Sahuria, P.S.- Janakinagar, District- Purnea.
23. Avinash Son of Ram Pravesh Singh Resident of Ratanpura, P.S. Islampur, District- Nalanda.
24. Abhishek Kumar Son of Nageshwar Prasad Resident of Kailashpuri, P.S.- Patrakar Nagar, District- Patna.
25. Rajendra Kumar Son of Kalraj Pandit Resident of Sadopur, P.S.- Alipur, District- Gaya.
26. Rajeev Kumar Ojha Son of Sarvanand Ojha Resident of Amahi Banke, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Additional Director cum Mission Director, Rastriya Swasthya Mission, Bharat Sarkar, Health and Family Welfare Department, Nirman Bhawan, New Delhi.
4. The Special Secretary, Department of Health and Family Welfare, Bihar, Patna.
5. The Deputy Secretary, Department of Health and Family Welfare, Bihar, Patna.
6. The Executive Director, State Health Society, Bihar, Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate  
For the Respondent/s : Mr. Lalit Kishore ( Ag )

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL JUDGMENT**

**Date : 01-12-2021**

Heard learned counsel for the parties.

In the petition, petitioners prayed for the following relief/reliefs:

“(i) For issuance of a writ in the nature of mandamus, directing and commanding upon the respondent authorities to grant the petitioner consolidated salary/honorarium of Rs.30,000/- in terms of Order No.997 (4)



dated 22/08/2017 issued by the Special Secretary, Health Department, Bihar, Patna, and subsequently revised vide Memo No. 1131 (4) dated 07/08/2019 issued by the Special Secretary, Health Department, Bihar which has been issued pursuant to Resolution No. 2401 dated 18/07/2007 of Department of Personnel and Administrative Reforms, Bihar, with regards to contractual employees engaged against sanctioned post by the Health Department, Bihar.

(ii) For holding and declaring that the petitioner's are entitled to grant of consolidated salary/honorarium of Rs.30,000/- in terms of Memo No. 1131 (4) dated 07/08/2019 issued by the Special Secretary, Health Department, Bihar – which has been issued pursuant to Resolution No. 2401 dated 18/07/2007 of Department of Personnel and Administrative Reforms, Bihar, with regards to contractual employees engaged against sanctioned post by the Health Department.

(iii) For holding and declaring that petitioners are entitled to increase in their consolidated salary/honorarium as has been done with regards to AYUSH Doctors (RBSK) vide Order bearing Memo No. 1577 dated 07/12/2018, issued by the Deputy Secretary, Health Department, Government of Bihar, whereby and whereunder, it was informed that the honorarium of AYUSH Doctors (RBSK) appointed on contractual basis has been approved equivalent to Allopathic Doctors to the tune of Rs.44,000/- and it has been decided that in case of non-availability of Central fund, State Government, would provide top up fund to make up the shortage.

(iv) For issuance of writ in the nature of mandamus granting the Petitioners arrears of salary from the due date these petitioners became entitled to it.

(v) To any other relief or relief which the



petitioner may be found entitled to in the facts and circumstances of the case.

(vi) Cost of this litigation.”

The concerned respondent has not taken decision on the petitioners’ grievance as narrated in the representation dated 18.03.2020 vide Annexure P-9. Therefore, the concerned respondent is hereby directed to redress the grievance of the petitioners stated in the representation read with the pleadings of the present petition. The concerned respondent is hereby directed to pass a speaking order as to whether petitioners are entitled to relief sought in the representation and in the present petition, such a decision shall be taken by him/her within a period of four weeks from the date of receipt of this order. In the meanwhile, petitioners are hereby directed to furnish copy of this petition to the concerned respondent who is competent to redress the grievance of the petitioners within a period of two weeks from today.

The petitioners are hereby directed to furnish representation to the Executive Director, State Health Society, Bihar, within a period of two weeks.

With the above observation, writ petition stands disposed of.

**(P. B. Bajanthri, J)**

Ankit/-

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