

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.802 of 2020

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Krishna Nand Jha, S/o Late Bedanand Jha, R/o Village-Parwaha, P.S.-
Forbesganj, Distt.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Director-in- Chief, Health Services, Govt. of Bihar, Patna.
3. The Director, Health Services, Govt. of Bihar, Patna.
4. The Additional Director, Health Services, Govt. of Bihar, Patna.
5. The Deputy Director, Health Services, Govt. of Bihar.
6. The Civil Surgeon-cum- Chief Medical Officer, Sitamarhi.
7. The Collector, Sitamarhi.
8. The Chief Malaria Officer, Govt. of Bihar, Patna.
9. The District Malaria Officer-cum-V.B.D. Control Officer, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Sr. Advocate
		Mr. Prabhat Kumar Singh, Advocate
For the Respondent/s	:	Mr. Anil Kumar Verma, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 5 08-08-2022 Mr. Ashok Kumar Singh, learned Senior Counsel representing the petitioner submits that the petitioner is not being paid salary in spite of the fact that the petitioner was allowed joining pursuant to order of reinstatement passed in C.W.J.C. No.2830 of 2008; and his case is squarely covered by the directions of the Division Bench in the case of ***State of Bihar & Ors. vs. Sohan Roy***, reported in ***2010(2) P.L.J.R. 397***, to which he is a party. He has submitted that petitioner's case is covered by Clause (n) and (p) at paragraph 8 of the order. The learned Senior Counsel has also submitted that the finding of the One Man Committee regarding the petitioner's appointment



is also assailed and the matter is pending consideration before this Court in C.W.J.C. No. 9953 of 2011.

Counsel for the State, on the other hand, submits that Clause (o) of paragraph 8 will apply in the petitioner's case and not Clause (n) or (p). However, such submission is not supported by any factual assertion that the petitioner was not permitted to join pursuant to the order passed in C.W.J.C. No. 2830 of 2008.

Whatever be the fate of the petitioner's challenge to the order of the One Man Committee, this Court would observe that for availing the benefits under the order of the Division Bench passed on the petitioner's L.P.A. (Annexure-8 series) being the judgment in the case of *Sohan Roy (supra)*, the petitioner is required to avail appropriate remedy for implementation of the said order.

With liberty to avail the remedy for enforcement of the order of the Division Bench in his favour, the writ application is disposed of.

(Madhuresh Prasad, J)

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