

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5244 of 2021

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Shobhakant Rai Son of Shree Ram Prasad Rai, Resident of Village-Dhudahi,
P.S.-Babubarhi, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Govt. of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub-Divisional Officer Cum Chairman of Rogi Kalyan Samiti.
4. The Civil Surgeon Cum Chief Medical Officer, Madhubani.
5. The Incharge Medical Officer, Primary Health Centre, Babubarhi, District-
Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha
For the Respondent/s : Mr. S.D. Yadav, AAG-9

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

Date : 03-02-2022

The matter is heard via video conferencing due to
circumstances prevailing on account of the COVID-19
pandemic.

2. State counsel accept notice for respondents.
Petitioner's counsel to serve copy of the petition to the State
counsel.

3. In the instant petition, petitioner has sought for
following reliefs:

“I. To issue a writ in the nature of
mandamus to direct the respondents to make
payment of dues amount of honorarium of
petitioner against the work done since the date
of his appointment dated 21.06.2010 which
has not been paid notwithstanding the order
dated 28.05.2019 passed by Learned District



Magistrate, Madhubani in Misc. Case No. 74/18-19.

II. To restrain the respondents from harassing the petitioner by way of non-paying of his updated Honorarium amount.

III. To hold and declare that in terms of settled law the honorarium/salary against the work done can't be withheld by any authority.

IV. To hold and declare that the grievance of petitioner is justified and genuine which is fit to be redressed.

V. To grant any other reliefs for which petitioner is entitled to have.”

4. In support of the aforesaid relief, petitioner has submitted representation dated 24.03.2017, vide Annexure-2.

5. Therefore, 4th Respondent-Civil Surgeon-cum-Chief Medical Officer, Madhubani is hereby directed to examine the grievance of the petitioner and redress the same within a period of two months from the date of receipt of this order. If petitioner is entitled, the amount of honorarium shall be disbursed to him by calculating along with interest @ 8% per annum in the light of Apex Court's decision in the case of ***Vijay L. Mehrotra Vs. State of U.P. & Ors.*** reported in ***(2001) 9 Supreme Court Cases 687*** (Para 2 to 4).

6. At this stage, learned counsel for the petitioner has pointed out that petitioner has been paid a sum of Rs. 14,800/- through cheque vide letter no. 446 dated 04.12.2020 (Annexure-C). However respondents have not furnished calculation sheet



as to how the respondents have arrived that petitioner is entitled to a sum of Rs. 14,800/-. In this regard, necessary calculation shall be furnished to the petitioner. If any dues of amount is required to be paid to the petitioner in that event the aforesaid direction be complied in respect of remaining amount, if any it is being paid to the petitioner or not?

7. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

