

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4751 of 2020

1. Ranjeet Kumar Pandey Son of Sri Vijendra Pandey, Resident of Village-Sarthua, P.S.- Shahjahapur, District- Patna.
2. Awadesh Prasad, Son of Sri Laxmi Prasad, Resident of Village-Tinalodhipur, P.S. Chandi, District- Nalanda.
3. Ramashish Prasad, Son of late Bindeshwari Prasad, Resident of Village-Jichan Bigha, P.S. Sheikhpura, Distt. Sheikhpura.
4. Kamrendra Shishir Son of Sri Ram Babu Prasad, Resident of Village-Barbiga, P.S.n Telhara, Distt. Nalanda.
5. Sonu Kumar, Son of Sri Vinay Singh, Resident of Village- Sikandrapur, P.S. Fatuha, Distt. Patna.
6. Ashwani Kumar, Son of Sri Anil Kumar, Resident of Village- Makhdumpur, P.S. Ben, Distt. Nalanda.
7. Ashok Prasad, Son of late Ram Chandra Prasad, Resident of Village- Pank, P.S. Jayrampur, Distt. Sheikhpura.
8. Sanjay Kumar, Son of Sri Kripali Ram, Resident of Village- Wajitpur, P.S. Karai Pasurai, Distt. Nalanda.
9. Pintu Kumar, Son of Sri Ramashish Ram, Resident of Village- Parshan Bigha, P.S. Shahjahapur, Distt. Patna.
10. Chandan Kumar, Son of Sri Ramashish Rajak, Resident of Village-Sultanpur, P.S. Mokama, Distt. Patna.
11. Santosh Kumar, Son of Sri Shiv Kumar Sharma, Resident of Village- Mogal Kuan, P.S. Sohsarai, Distt. Nalanda.
12. Ajay Kumar Choudhary, Son of Sri Shiv Bhajan Choudhary, Resident of Village- Bhakhra, P.S. Masaudhi, Distt. Patna.
13. Bipin Kumar Singh, Son of Sri Munni Prasad, Resident of Village- Pichiya, P.S. Parwalpur, Distt. Nalanda.
14. Shailendra Choudhary, Son of late Jaykant Choudhary, Resident of Village-Rahimpur Choudhary Tola, P.S. Muffasil, Dist. Khagaria.
15. Rajeev Ranjan Sinha, Son of late Rameshwar Sinha, Resident of Village-Parsan Bigha, P.S. Shahjahapur, Distt. Patna.
16. Mithilesh Kumar, Son of late Shiboo Prasad Sinha, Resident of Village-Bishunpur, P.S. Nagarnausha, Distt. Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Joint Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-in-Chief, Department of Health, Govt. of Bihar, Patna.
5. Special Secretary to Govt. , Health Dept. Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms.Shruti Sinha, Advocate
For the Respondent/s : Mr.Ramadhar Singh (GP25)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 11-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“ 1. That is is a an application for issuance of an appropriate writ order for quashing the notification contained in memo no. 346(11) dated 02.04.2016 issued under the signature of Respondent no.3 whereby and where under rules for appointment and service conditions for the cadre of Non-Medical Assistant under the Health Department has been framed and accordingly quash the same and further after quashing the above said notification a direction may be issued to the respondents to frame the rule for appointment and service condition for the cadre of Non-Medical Assistant incorporating therein for giving preference and due weightage to the persons who is working on contractual basis as Non-Medical Assistant in the department as well as prepare the merit list on account of educational qualification, training, certificate, work experience and interview directly without any written examination and giving age relaxation for those who have been working on contract and further for a direction to the respondents to issue advertisement for appointment on regular basis on the post of Non-Medical Assistant giving due weightage of work experience, education qualification, training certificate and also giving age relaxation and prepare the merit list accordingly directly through Bihar Technical Service Commission and for quashing Sanchika No 520(11) dated 19- 06-2019 whereby appointments on 1300 vacant post of Non-Medical Assistant as been asked to be made as per the above rule 2016

through Bihar Staff Selection Commission Patna issued by Special Secretary to the Govt. Health Department Bihar Patna i.e. Annexure 8. And/or Pass such other order or orders as your lordship may deem fit and proper.

And during the pendency of this of this application may stay the operation of the notification contained in memo no. 346(11) dated 02.04.2016 issued under the signature of respondent no.3 and also Annexure-8.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned (**respondent no.2, the Principal Secretary, Department of Health, Government of Bihar, Patna**) to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority

concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) Liberty also reserved to the petitioner to make a mention for listing of the petition on priority basis. As and when any such mention is made, Registry shall take steps for listing the petition at the earliest.

(h) We have not expressed any opinion on merits.
All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA