

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5538 of 2020

1. Anil Kumar Sharma, aged about 53 years gender male, Son of Sri Janeshwar Sharma, Resident of Village- Kareya, P.O. and P.S.- Panchanpur, District- Gaya, Pin- 824236
2. Surendra Prasad, aged about 53 years, Gender-male, Son of Late Ram Lakhan Prasad@ Late Ram Lakhan Sao, Resident of Village- Saichak, Shivaajee Colony, Anishabad (Beur), P.S. Beur, District- Patna- 800002
3. Ramekwal Prasad, aged about 51 years, gender-male, Son of Sri Chandeshwar Sao, Resident of Village- Deoramkichak, Marchi Mirchi, P.S. Begampur, District- Patna- 800009
4. Vidya Sagar Prasad, aged about 58 years, gender-male, Son of late Ramchandra Prasad, Resident of Village- Vishanpur, Chandrapura, P.S. Desari, District- Vaishali.
5. Ram Bhawan Paswan, aged about 58 years, Gender- Male, Son of late Devnarayan Paswan, Resident of Beur Jail Road, Saichak, Anishabad, P.S. Beur, District- Patna-800002.
6. Rajnandan Saw@ Rajnandan Sao, aged about 51 years, Gender-male, Son of late Ramkishun Saw@ Ram Kishun Sao, Resident of Village- Khuragechak (Neora), Anda, P.S. Phulwarisharif, District- Patna- 801113
7. Madan Prasad, aged about 52 years, Gender- Male, Son of Sri Suraj Mahto, Resident of Village- Maghauli, Neora, P.S. Phulwarisharif, District- Patna- 801113.
8. Prem Paswan, aged about 54 years, Gender- Male, Son of Late Nand Lal Paswan, Resident of Village- Saichak, Beur, Anishabad, P.S. Beur, District- Patna- 800002.
9. Chuni Lal Thakur@ Chunilal, aged about 55 years, gender- Male, Son of Late Parmeshwar Thakur, Resident of Village- Saichak, P.S. Beur, District- Patna- 800002.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Commissioner-Cum-Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
4. The Director-in-Chief, Health Department, Government of Bihar, Patna.
5. The Chief Malaria Officer, Bihar, Patna.
6. The District Magistrate-Cum-Collector, Patna.
7. The Civil Surgeon-Cum- Chief Medical Officer, Patna.
8. The District Malaria Officer, Sultanganj, Patna.



... .. Respondents

Appearance :

For the Petitioners : Mr. Rajani Kant Singh with Mr. Ajit Anand, Advts.
For the Respondents : Mr. Braj Bhushan Mishra, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 30-06-2022

Heard learned counsel for the petitioners and learned
counsel for the State.

2. The petitioners have approached this Court seeking the
following reliefs:-

“(i) For issuance of a writ in the nature of Mandamus directing the respondent authorities to issue orders for regularization/absorption of the petitioners in the regular cadre Class-IV as Superior Field Worker/Field Worker respectively in accordance with law keeping in view of the Seniority List in the District :-Patna.

(ii) For directing the respondent authorities to follow the Seniority List (Annexure-2) strictly for regularization/absorption of the petitioners in the regular cadre against the vacancy available.

(iii) For directing the respondent authorities which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. After filing of several pleadings, today, the issue is narrowed down to the fact that whether based on the past seasonal services rendered by the petitioners, they would be entitled to regularization or not, for which, the Respondent-State, in its counter affidavit, has taken a stand in paragraph 8,



which reads as follows:-

“8. That it is apparent from the aforesaid facts that the Director-in-Chief, Health Services, Bihar, Patna has to take needful for the redressal of the grievance of the petitioner.”

4. Petitioners representation, in respect of their claim, has been submitted on 07-11-2019 (Annexure-6 to the writ petition). Therefore, the issue is to be decided by the Director-in-chief, Health services (Respondent No 4) and no adjudication is called for in the instant proceedings. The respondent No.4, therefore, should take a final decision by a reasoned and speaking order in respect of the petitioners’ representation (Annexure-6) within a period of 08 weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05-07-2022
Transmission Date	

