

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8335 of 2021

Dr. Laljee Prasad Son of Late Awadhesh Kumar Sinha, resident of Budh Nagar, Road No. 2, Chiraiyatar, P.S. - Kankarbagh, District - Patna, presently Treasurer of Ayush Medical Services Association (AMSA), Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar. Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
4. The Executive Director, State Health Society, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha
For the Respondent/s	:	Mr. Lalit Kishore (AG)
For the Respondent No.4	:	Mr. K.K. Sinha

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

Date : 14-02-2022

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

Mr. K.K. Sinha, learned counsel for respondent no.4 accepts notice for respondents.

In the instant petition, petitioner has prayed for the following relief/reliefs:

(i) For necessary direction upon the respondent authorities to grant the pay of Rs.65000/- per month w.e.f. 13.02.2019 to the contractual Ayush



doctors working in Bihar in terms of the decision of the State Cabinet dated 04.12.2020 wherein it was decided that the Ayush doctors will be paid with the same pay which is paid to the contractual allopathic doctors, whereas the pay of the contractual allopathic doctors was enhanced to Rs.65000/- per month w.e.f. 13.02.2019 but the Ayush doctors are still getting Rs.44,000/- per month.

(ii) For holding that when the respondents have enhanced the pay of the contractual allopathic doctors from Rs.44000/- to Rs.65000/- w.e.f. 13.02.2019, it is highly arbitrary and illegal on the part of the respondents to not to enhance the pay of the contractual Ayush doctors.

(iii) For necessary direction upon the respondent authorities to pay the differential amount of salary to the



contractual Ayush doctors on account of grant of pay of Rs.65000/- per month w.e.f. 13.02.2019.

(iv) For initiation of contempt of Court proceeding against the respondents as they have violated their own undertaking by way of their counter affidavit filed in CWJC No. 5641 of 2020 wherein they had accepted that the contention of the Ayush doctors for grant of equal pay with allopathic doctors is being redressed.

(v) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.

The aforesaid relief is supported by representation dated 29.04.2020 and 05.08.2020 (Annexure-4). The petitioner is also relying on judicial pronouncements of this Court read with certain notifications/memo.

Therefore, the concerned respondent is hereby



directed to examine the petitioner’s claim in the light of representation and judicial pronouncements and decision of the government. Such examination shall be conducted within a period of four months from the date of receipt of this order.

If the petitioner is entitled, in that event, necessary monetary benefit shall be extended. If he is not entitled, a necessary speaking order shall be passed as to why petitioner is not entitled to the relief sought by him.

With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2022
Transmission Date	NA

