

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1473 of 2017

In
Civil Writ Jurisdiction Case No.21220 of 2012

=====

Phul Kumari D/o Late Baidyanath Prasad Singh, Resident of Village-
Bhauanipur, P.O.-Narayanpur, P.S.-Bihpur, District-Bhojpur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Director in Chief, Health Services, Bihar, Patna.
4. Deputy Director, Health Services, Bihar, patna.
5. Principal, Patna Medical College, Patna.
6. Professor and Head of Department, Microbiology, Patna Medical College,
Patna.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Arup Kumar Chongdar, Advocate
For the Respondent/s	:	Mr. S.D.Yadav -Aag9
For the Intervener Petitioner	:	Mrs. Nivedita Nirvikar, Sr. Advocate
		Mrs. Kriti Suman, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 13-12-2022

Pursuant to the order dated 28.11.2022, Mr. Pratyaya Amrit, Principal Secretary, Health Department, Government of Bihar, Patna is present in the Court. Pursuant to the query of this Court whether rules of recruitment have been framed under Article 309 of the Constitution in so far as Laboratory Technician post is concerned. It is submitted that in the year 2014 rules have been framed and fairly admitted that it



has prospective effect and it is not attracted in the present case.

In the light of these facts and circumstances, it is further submitted that large number of identical persons are already working if any adverse order is passed that would create administrative chaos in the department. Therefore, it is submitted that appellant would be continued on par with others who are already working. In the light of the aforementioned submission LPA stands allowed, order of the learned Single Judge dated 11.09.2017 stands set aside.

Concerned respondent is hereby directed to take back appellant to duty forthwith, if she is out of service. Further extend all monetary and service benefits during the pendency of the litigation before this Court. Such monetary benefits shall be settled within a period of three months from the date of receipt of this order.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

Niraj/Aditya

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	15.12.2022
Transmission Date	N/A

