

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.998 of 2021

1. Rima Kumari D/o Naresh Prasad Singh Resident of village and P.O.- Kapsiya, Police Station- Sourbazar, District- Saharsa
 2. Umesh Chandra Bhan Son of Mundrika Prasad resident of village and P.O.- Mari, Police Station- Ben, District- Nalanda
 3. Purnendu Narayan Sharma Son of Sita Sharan Sharma resident of village/Mohalla- Alaka Colony, sandalpur, P.O.- Mahendru, Police station- Sultanganj, District- Patna
 4. Suresh Prasad Son of Bindeshwari Lal resident of village and P.O.- Singhiyaghat, Police Station- Bibhutipur, District- Samastipur
 5. Jay Deo Kumar son of Bhrgunath Sharma resident of village and P.O.- Bharthu, Police Station- Ghosi, District- Jehanabad
 6. Rakesh Kumar Singh Son of Jay Narayan Singh resident of village- Alaula, P.O. and Police station- Kalyanpur, District- East Champaran
 7. Suresh Prasad Baitha Son of Chintaman Baitha, resident of village and P.O.- Jasauli Patti, Police Station- Kotawan, District- East Champaran
 8. Madan Prasad son of Parsan Mahto resident of village/Mohalla- Belwanwa, P.O. and Police Station- Motihari, District- East Champaran
 9. Jay Prakash Prasad son of Ram Sevak Prasad resident of village- Kamalpur, P.O. and Police Station- Bibhupur, District- Vaishali
 10. Rajeshwar Prasad son of Late Ram Chandra Singh resident of village and P.O.- Kamta, police Station- Hilsa, District- Nalanda
 11. Uday Kumar Gupta son of Hari Lal Gupta resident of village- Manpur, Sudhitola, P.O.- Bunyadganj, Police Station- Muffasil Gaya, District- Gaya
- Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, New Secretariat, Patna
 2. The Director-in-Chief Health Services, Government of Bihar, New Secretariat, Patna
 3. The Deputy Director (Administration) Health Services, Govt. of Bihar, New Secretariat, Patna
 4. The Deputy Director (T.B.) Health Services, Bihar, Patna
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Respondent/s : Mr. Pankaj Kumar, SC-12

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 17-01-2022

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.

3. In the instant petition, petitioners have prayed for following reliefs:

“I. For issuance of a writ in the nature of mandamus or appropriate direction commanding the respondents to accept the joining by treating the date of appointment of the petitioners to their respective posts of B.C.G. Technician with effect from 16.3.2000, the date on which the notification vide memo no. 69(II) dated 16.3.2000 appointing 109 candidates including others similar to the petitioners and including those junior to the petitioners in the merit list than that of petitioners were issued.

II. For further commanding the respondents to fix the seniority of the petitioners as per the merit list prepared by the B.P.S.C. and to grant all monetary benefits of continuous service and seniority as may be available to the candidates appointed from the same merit list occupying just below the petitioners.

III. For further commanding the respondents to provide old pension scheme in place of contributory pension plan (C.P.P.) since other appointees in this merit list have been provided old pension scheme whereas petitioners have been brought under contributory pension plan (C.P.P.) and to that extent quash Clause-7 of the Memo No. 936 dated 15.9.2018 and Clause-6 of the Memo No. 1153 dated 27.11.2018.

IV. For further commanding the respondents to fix the salary of the petitioners after granting benefit treating the date of appointment as 16.3.2000 for the post of B.C.G. Technician.

V. For further commanding the



respondents to pay all the consequential monetary benefits by computation of salary and computation of actual money benefit with full salary with effect from 16.2.2000.

VI. For further commanding the respondents to refund the G.P.F. amount contributed by the petitioners during the earlier service rendered by the petitioners i.e. appointed by Dr. Mallick and count this service period for pensionary benefit.

VII. For any other relief or reliefs be granted to the petitioners for which they are entitled in the facts and circumstances of the case.”

3. In support of the aforesaid relief, petitioners are relying on earlier decisions passed in MJC No. 1711 of 2016, LPA No. 326 of 2009 decided on 07.07.2009 and C.W.J.C. No. 20654 of 2010 decided on 11.02.2016 followed by representations (Annexure-10 series).

4. The concerned respondent is hereby directed to examine the grievance of the petitioners and redress the same in passing speaking order within a period of four months from the date of receipt of this order.

5. Accordingly, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

