

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1439 of 2022

1. Dr. Santosh Kumar Bhartiya S/o Ram Badan Singh, Resident of Village Rahua, Near School Rahua, P.O. and P.S. - Sahebpur Kamal, District - Begusarai.
2. Dr. Ashok Sharma, S/o Late Nawal Kishor Sharma, Resident of Ward no. -22, Sri Naval Kishor Chikitsalay, Ratanpur, P.O.- Begusarai P.S.- Ratanpur OP, District - Begusarai.
3. Dr. Raman Kumar Jha, S/o Dr. R.N. Jha, Resident of Bakhri Bazar, Near Purani Durga Asthan, P.O. and P.S- Bakhri, District - Begusarai.
4. Dr. Karuna Kumari, D/o Ram Kumar Pd. Singh, Resident of Bakhri Road, Manjhaul, P.O.- Manjhaul, P.S.- Cheriya Bariyarpur, District - Begusarai.
5. Dr. Ajay Kumar, S/o Shree Ram Singh, Resident of Bakhri Road, Manjhaul, P.O.- Manjhaul, P.S.- Cheriya Bariyarpur, District - Begusarai.
6. Dr. Mazhar Alam, S/o Md. Manzor Alam, Resident of Bathauli chowk, Tilrath, Near Mariya Hospital, P.O. and P.S.- Barauni, District- Begusarai.
7. Dr. Sanjay Kumar, S/o Nawal Kishor Singh, Resident of Village - Ward No. 08, Lohiya Nagar P.O.- Suhird Nagar, P.S.- Lohiya Nagar, District- Begusarai.
8. Ajeet Kumar, S/o Dhirendra Ray, Resident of G.D. College Road, Near Gopal Hardware, P.S.- Mirganj, District- Begusarai.
9. Dr. Ganesh Kumar Chaudhary S/o Late Ram Swarth Chaudhary, Resident of Village - Hajipur, P.O.- Pipra, P.S. - Begusarai, District - Begusarai.
10. Dr. Sangita Rajan, D/o Rajendra Ranjan, Resident of Ward no. 24, C/Jeevan Jyoti Chikitsalay, Ratan Chowk, Bihat, NH- 31, P.S.- Bihat, District- Begusarai.
11. Md. Pervez Alam, S/o Md. Azad Ali, Resident of Village- Jainagar, P.O. and P.S. - Monsahi, District - Katihar.
12. Dr Swati Kumari, W/o Vidya Kant Jha, Resident of Shailbagh, Kunjo Shah Lane, Aliganj, P.S.- Majahidpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
3. The Additional Chief Secretary cum Principal Secretary, Department of Health, Vikash Bhawan, Bailey Road, Patna.
4. The Special Secretary, Department of Health, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
5. The Additional Secretary, Department of Health, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
6. The Bihar Technical Services Commission, 19 Hardinge Road, Government of Bihar, Patna through its Secretary.



7. The Secretary, Bihar Technical Services Commission, 19 Hardinge Road, Government of Bihar, Patna.
8. The Chairman, Bihar Technical Services Commission, 19 Hardinge Road, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Madhuresh Singh, Adv
For the State	:	Mr.Sudhir Kumar Singh, AC to SC 23
For the BTSC	:	Mr.Mukesh Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-09-2023 Heard learned counsel for the petitioners learned counsel for the State and the learned counsel for the respondent/commission is also represented in the instant proceedings today..

2. The petitioners are aggrieved by recognition of services rendered by the persons under *Rashtriya Bal Swasthya Karyakram* (for brevity 'RBSK') for the purpose of grant of weightage based on experience as contained in advertisement no. 4 of 2020 to advertisement no. 9 of 2020 issued by the respondent/commission for appointment of Ayush Medical Officers.

3. The petitioners' counsel submits that the State of West Bengal does not grant recognition to the those working under the RBSK scheme. It is further submitted that the nature of work being performed by RBSK is not at par with the petitioners who have been working on contract basis as Ayush



Doctors. It is submitted that their work is basically of health screening at Anganwadi Centres and therefore treating them at par with the petitioners is only allowing them to encroach upon the petitioners' prospects, though they are ineligible for such consideration.

4. The petitioners' counsel submission are not with reference to any deficiency in qualification of the RBSK workers, but only allegations regarding their nature and profile of work being assigned to them.

5. The State of Bihar has specifically stated that the Government of Bihar has issued a policy decision vide letter dated 07.02.2022 under the 2014 operational Guidelines whereby and whereunder they have held the RBSK workers to be eligible for grant of weightage and recognition of their services at par with Ayurvedi/Unani and Homeopathy Medical Officers/ Ayush Physicians.

6. It is as per the policy issued under the 2014 Rules that the advertisement has been issued. They have also placed reliance on the fact that the emoluments being paid to the RBSK is also at par with the Ayush Doctors working in National Rural Health Mission (for brevity 'NRHM') scheme as is evident from Annexure B to the counter affidavit dated 07.12.2018.



7. These facts are not denied or disputed by filing any rejoinder though counter affidavit was served on 01.08.2022. The Court is not inclined to acknowledge and entertain the objections of the petitioners based on submissions, recorded above and interfere with the recognition being granted to the persons under RBSK. Moreso since the petitioners have not assailed the provisions of 2014 operational Guidelines under which the weightage has been granted.

8. The writ petition is without merit and dismissed.

(Madhuresh Prasad, J)

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