

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10403 of 2019

1. Ram Bali Singh Son of Shyam Sundar Singh, resident of Village-Saraiya, P.O. Maranchi, Police Station- Punpun, District- Patna.
2. Ramesh Chand Verma, Son of Late Mosadi Lal Das, resident of Village-Jagatpur, P.O. Barail, Police Station- Supaul, District- Supaul.
3. Shashi Bhushan Mahto, Son of Jageshwar Mahto, resident of Village-Kayasth Tola, Ward No. 22, P.O. and Police Station- Saharsa Sadar, District- Saharsa.
4. Md. Ekram Khan, Son of Md. Hubedar Khan, resident of Village and P.O. Maniyamor, Police Station- Naugachhia, District- Bhagalpur.
5. Suresh Prasad, Son of Jagarnath Prasad, resident of Village and P.O. Rampur, Bindalal, Police Station- Ekma, District- Chhapra.
6. Ashok Kumar, Son of Ramdeo Singh resident of Village- Dakara, P.O. Bilauri, Police Station- Ramgarh Chowk, District- Lakhisarai.
7. Md. Kamal Yousuf, Son of Md. Ain Uddin Mallik, resident of Mohalla-Ansar Nagar, P.O. and Police Station- and District- Nawada.
8. Md. Anjar Ahmad, Son of Late Jakir Hussain, resident of Village-Chamankhaira, P.O. Goraur, P.S. Rajgir, District- Nalanda.
9. Arjun Prasad, Son of Late Garamu Prasad, resident of Village- Dariyapur, P.O. Mirchaiganj, Police Station- Noorsarai, District- Nalanda.
10. Pawan Kumar Singh, Son of Rewati Raman Prasad Singh, resident of Village- Bajalpura, P.O. and P.S.- Teghra, District- Begusarai.
11. Upendra Kumar, Son of Ram Nandan Prasad Yadav, resident of Village-Akbarpur, P.O.- Shorampur, Police Station- Naubatpur, District- Patna.
12. Yogendra Prasad, Son of Late Jagdish Prasad, resident of Mohalla-Bailisarai, P.O. Motihari, Police Station- Motihari, District- East Champaran.
13. Surendra Kumar, Son of Ras Bihari Prasad, resident of Village and P.O. Basaha, Police Station- Bajpatti, District- Sitamarhi.
14. Ashok Kumar Singh, Son of Ramjanam Singh, resident of Village and P.O. Karjan (Dihpar) Police Station- Athmalgola, Barh, District- Patna.
15. Sunil Kumar Shastri, Son of Late Chandramani Shastri, resident of Village and P.O. Oiyab, Police Station- Asthawa, District- Nalanda.
16. Umesh Kumar, Son of Surendra Prasad Singh, resident of Village Nirpur, P.O. Ramnagar, Karari Kachhar, Police Station- Athmalgola, District- Patna.
17. Kumar Dipak, Son of Late Yugal Kishore, resident of Village and P.O. Rewari, Police Station- Angarghat, District- Samastipur.
18. Ram Pravesh Singh, Son of Devnath Singh, resident of Village and P.O. Kabara, Police Station- Punpun, District- Patna.
19. Arvind Kumar Purve Son of Dayanand Purve, resident of Village and P.O. and Police Station- Bithan, District- Samastipur.
20. Shashidhar Kumar Pandey, Son of Late Kanhai Pandey, resident of Village-Gomhar, P.O. Jagai, Police Station- Ekangarsarai, District- Nalanda.



21. Varunendra Narayan Pandey Son of Late Devendra Narayan Pandey, resident of Village- Nadauwa, P.O. and P.S. Baniyapur, District Saran, Chapra.
22. Ravindra Kumar Son of Lalo Singh, resident of Village and P.O. Gonawa, Police Station and District- Nawada.
23. Ram Lal Singh, Son of Late Bhedeshwar Prasad Singh, resident of Village- Sohali, P.O. Bamdeo Bajar, Police Station- Rajaun, District- Banka.
24. Mahendra Prasad, Son of Bigan Prasad, resident of Village- Mahimapur, P.O. Mathurapur, Police Station- Guraru, District- Gaya.
25. Harendra Rai, Son of Late Shivaju Rai, resident of Mohalla Nai Bazar, Bettiah Raj Chhawani, P.O. and Police station- Bhagwan Bazar, District- Saran, Chapra.
26. Om Prakash Choubey, Son of Jitendra Prasad Choubey, resident of Village- Chalisahat (Shiv Mandir Chowk), P.O. and P.S. and District- Katihar.
27. Om Prakash Poddar, Son of Late Shiv Kumar Poddar, resident of Village and P.O. Sugharain, Police Station- Kusheshwar Asthan, District- Darbhanga.
28. Shyamdeo Mandal, Son of Late Chunchun Mandal, resident of Village and P.O.- Sakrama, Police Station- Sanhaula, District- Bhagalpur.
29. Balmiki Kumar, Son of Arjun Prasad Rai, resident of Village- Siyadih, P.O.- Ghaghi (Belari), Police Station- Sultanganj, District- Bhagalpur.
30. Braj Bhushan Singh, Son of Late Jay Nath Singh, resident of Village- Datra Pursauli, P.O. Isuapur, Police Station- Isuapur, District Saran, Chapra.
31. Chandra Kishor Singh, Son of Late Dasrath Prasad Singh, resident of Village and P.O. Olapur, Gangaur, Police Station and District Khagaria.
32. Ram Sagar Mahto, Son of Bindi Mahto, resident of Village and P.O. Bishanpur Hakimabad, P.S. and District Samastipur.
33. Awanendra Kumar, Son of Dwarika Singh, Resident of Village- Sarbadahi, P.O. Garihara, Police Station- Masaudhi, District- Patna.
34. Md. Jakir Hussain, Son of Md. Islam, resident of Village- Bak, P.O. Byapur, Police Station- Maner, District- Patna.
35. Sunil Sharma, Son of Ram Dahin Sharma, resident of Village and P.O.- Tajpur, Police Station- Mahkar, District- Gaya.
36. Haldhar Prasad Singh, Son of late Chintaman Prasad Singh, resident of Village- Goddi, Bishanrampur, P.O. Simariya, Police Station- Kajraili, District- Bhagalpur.
37. Lalan Prasad, Son of Late Chhedi-Ram, resident of Mohalla- Bhagirathi Lane, P.O. Mahendru, Police Station- Sultanganj, District- Patna.
38. Dilip Kumar Singh, Son of Dwarika Singh, resident of Village- Kamalpura, P.O. Barah, Police Station- Punpun, District- Patna.
39. Arun Kumar, Son of Krishnadeo Rajak, resident of Mohalla- Karbigahiya, P.O. G.P.O., Police Station- Jakkanpur, District- Patna.
40. Devendra Prasad Saw, Son of Mita Saw, resident of Village- Dariyapur, P.O. Nandlalabad, Police Station- Gaurichak, District- Patna.
41. Umesh Pandit, Son of Rameshwar Pandit, resident of Village- Madhopur



Dih, P.O. Madhopur, Police Station- Chandi, District- Nalanda.

42. Jitendra Sharma, Son of Late Ranvijay Sharma, resident of Village- Chainpur, P.O. Silaunja Belaganj, Police Station- Belaganj, District- Gaya.
43. Arun Kumar Jha, Son of Adhik Lal Jha, resident of Village- Chak, P.O. Chhitraur, Police Station- Matihani, District- Begusarai.
44. Sudist Kumar Singh, Son of Late Yogendra Prasad Singh, resident of Village- Shambhupur Koari, P.O. Ashoi, Police Station- Sarai, District- Vaishali, Hajipur.
45. Ram Janm Bhaskar Son of Late Ram Ashish Singh, resident of Village- Rampur, Nausahan, P.O. Hajipur, Police Station Industrial Area Hajipur, District- Vaishali.
46. Yogendra Singh, Son of Bishnu Singh, resident of Village- Rahimapur, P.O.- Rahimapur, Police Station- Bidupur, District- Vaishali.
47. Md. Nehal, Son of Md. Sami resident of Village- Banauliya, Police Station- Biharsharif, District- Nalanda.
48. Ashok Kumar, Son of Late Gajadhar Prasad, resident of Village- Badsahpur, P.O. Mandana, Police Station and District- Sheikhpura.
49. Sumindra Choudhary, Son of Deonandan Choudhary, resident of Village Atarpura, P.O. Hajrat Sai, Police Station- Dhanarua, District- Patna.
50. Pankaj Kumar Singh, Son of Devendra Narayan Singh, resident of Village and P.O. Maheshwara, Police Station- Naukothi, District- Begusarai.
51. Banke Bihari Singh, Son of Daroga Singh, resident of Village- Shivarahiya, P.O. Gultainganj, Police Station- Garkha, District- Saran.
52. Mahesh Choudhary, Son of Jagdish Choudhary, resident of Village- Magra Saraiya, P.O. and P.S. Biharsharif, District- Nalanda.
53. Tara Kant Choudhary, Son of Harsh Nath Choudhary, resident of Village and P.O. Bengahi, Police Station- Bairaganiya, District- Sitamarhi.
54. Bhuneshwar Prasad Sah, Son of Keshwar Sah, Resident of Village and P.O. Koyala Belwa, Police station- Chakiya, District- East Champaran.
55. Wakil Prasad, Son of Sakaldeo Rai, resident of Village and P.O. Koyala Belwa, P.S. Barachakiya, District- East Champaran.

... .. 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. Santosh Kumar Verma, Advocate
For the Respondent/s : Mr. Mujtabaul Haque (Gp12)
Mr. Pranoy Kumar, AC to GP-12

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT**

Date : 12-10-2023

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

2. The instant writ petition has been filed with
the 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 16.3.2000.

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. Learned counsel for the petitioners submits that by virtue of supplementary affidavit he has annexed the order dated 17.01.2022 passed by the coordinate Bench in C.W.J.C. No.998 of 2021 by which this Hon'ble Court has pleased to pass order, extract of which reads as under:-

“In support of the above said 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.

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.

Accordingly, the instant petition stands disposed of.”

4. Learned counsel for the petitioners submits that counter affidavit has been filed in this case and in the counter affidavit an order has been passed which is attached at



page-18 of the counter affidavit i.e., issued by Memo No.292(11) dated 25.03.2019. In the said memo consideration of both the cases MJC No.1711 of 2016 and C.W.J.C. No.20654 of 2010 were taken into consideration and passed the order. Therefore, the preliminary objection of the respondent is that the petitioners ought to challenge the said order, if so advised.

5. Learned counsel for the State, on the other hand, submits that in the said memo the order has been passed for 35 persons only; whereas in the petition there are total 55 persons are petitioners.

6. In this circumstances, this Court decides this case into two category, for first category the petitioners whose rights are disturbed by Memo No.292 (11) dated 25.03.2019, they shall be at liberty to challenge the said order in accordance with law; whereas those petitioners whose name is not given in the said Memo No.292(11) dated 25.03.2019, liberty has been granted to them to pursue by way of filing representation before the authority who shall pass speaking order within a period of four months from the date of receipt of a copy of this order.

7. It is made clear that Government of Bihar, General Administration Department, vide notification



18/PR.SU.MI.-04-03/2008 SA PR 7528 dated 3.6.2019, has framed a rule, namely, Bihar Government Servant Grievances Redressal Rule, 2019, according to which liberty has been granted to raise their grievances before Service Grievance Redressal Officer.

8. With this direction, the writ petition is disposed of.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	13.10.2023
Transmission Date	

