

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.701 of 2019

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1. Manisha Kumari W/o Sri Anil Kumar Bharti Resident of C/o Sri Bilat Mahto, Mohalla-Ajam Nagar, PO and PS Lalit Narayan Mithila University, Lal Bagh, Dist. Darbhanga
 2. Kumari Prasima Yadvendu W/o Manoj Kumar Resident of Mohalla Rampur, Near Gaya College more Dobi Sherghati Road, PO and PS Rampur, Dist. -Gaya
 3. Gopal Mandal S/o Late Newa Lal Mandal Resident of Mahesha Chanda, PO Laskari, PS Rajaoun, Dist. -Banka
 4. Subhash Pandey S/o Kanahiya Pandey Resident of Village-Jogeyan, PO Kajhain, PS Bikramganj, Dist. -Rohtas
 5. Roy Soumitra Bhushan S/o Sri Gaya Prasad Rai Resident of Khabara Raod, Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Department of Health, Govt. of Bihar, Patna
- 2(A) The Additional Chief Secretary, Department of Health, Government of Bihar, Patna
3. The Director-in-Chief, Health Services, Govt. of Bihar, Patna
4. The Director, Medical Education, Govt. of Bihar, Patna
5. The Principal, Darbhanga Medical College and Hospital (DMCH), Darbhanga
6. The Principal and Superintendent, Nalanda Medical College and Hospital (NMCH), Patna
7. The Principal, Jawaharlal Nehru Medical College and Hospital, Bhagalpur
8. The Principal, Anugrah Narayan Medical College and Hospital, Gaya
9. The Principal, Patna Medical College and Hospital, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arup Kr. Chongdai, Advocate
For the Respondent/s	:	Mr. Binod Kumar Yadav (SC-18)
		Mr. Aditya Nath Jha, AC to SC-18

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 11-09-2023

Learned Counsel for the petitioners prays for and is



allowed to implead the Additional Chief Secretary, Department of Health, Government of Bihar, Patna as respondent no. 2A.

2. This application has been preferred against highly illegal, wrongful and arbitrary action on the part of the respondents by which salary of the librarians have been fixed as Rs. 38,200/- per month on the other hand the petitioners Assistant Librarian are being paid only Rs. 9000/- per month without providing them benefit of revision of salary as provided to other employees who were appointed along with petitioners like Lab Technical, X-ray Technician, O.T. Assistant and others contained in annexure-2.

3. The claim of the petitioners is/are that vide Memo no. 997(4) dated 22.08.2017 issued under the signature of Special Secretary, Health Services Bihar, Patna, the pay grade was incorporated for the different employees.

4. However, the post of Assistant Librarian was missing, their original appointment on contractual basis was done pursuant to the advertisement issued a order passed Memo no. 181(4) dated 20.02.2014.

5. By way of I.A No. 2 of 2023, the petitioners have brought on record the revision of the pay structure of the State Government Employees which was issued by the Finance Department on 24.05.2017 and he submits that from the records,



it is clear that they have been discriminated vis-a-vis the Librarian.

6. This writ petition was filed in 2019 after service of copies upon the State. Despite the fact that on 17.01.2023, the earlier Bench had directed the State to file counter-affidavit within a period of four weeks directing the matter to be listed on 28.02.2023, seven months later, today on call, in a causal manner, Mr. Aditya Nath Jha, learned AC to SC-18 requested to adjourn the case enabling the State to file reply.

7. This act of not following the direction of the earlier Bench dated 17.01.2023 and making prayer eight months later for adjournment for filing reply is deprecated.

8. Instead of keeping the case pending, it would be appropriate that the petitioners approach the newly added respondent no. 2A, the Additional Chief Secretary, Department of Health, Government of Bihar, Patna individually alongwith relevant documents who shall pass necessary order/orders considering the grievance of the petitioners.

9. If such representation is filed within a period of four weeks from today, the necessary decision shall be taken and communicated to the petitioner(s) within a period of six months from the filing of the representation.



10. The writ petition stands disposed of with the
aforesaid observation.

(Rajiv Roy, J)

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