

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.213 of 2022

In
Civil Writ Jurisdiction Case No.9451 of 2020

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1. Dr. Deepak Kumar Singh Son of Ramanand Singh Resident of House No. 1, Gokulmarg, North S.K. Puri, P.S.- S.K. Puri, Bihar-800001.
 2. Dr. Ravi Ranjan son of Satya Narayan Prasad, Resident of Sundrpatti, P.S- Pakridayal P.O. - Sundarpatti, District - East Champaran.
 3. Dr. Om Prakash son of Vidya Sagar Arya, Resident of Village- Dharhari, P.S. - Chiraya P.O. - Dipahi District- West Champaran.
 4. Dr. Amresh Prasad Sinha Son of Ramlakhan Prasad Sinha, Resident of At and P.O. Dohara, P.S. - Nardiganj District- Nawada.
 5. Dr. Amitabh Son of Late Balmiki Sharan Sharma, Resident of 414F, East Boring Canal Road, P.S. Buddha Colony, District- Patna, Bihar-80001.
 6. Dr. Chandramani Vimal son of Indradeo Prasad Singh, Resident of Lalganj, Karvi, P.S- Dumraon, P.O.- Textile Colony, District- Buxar, Bihar-802136.
 7. Dr. Shruti Prakash Wife of Chandramani Vimal Resident of Lalganj Karvi, P.S- Dumraon, P.O. - Textile Colony, District- Buxar, Bihar- 802136.
 8. Dr. Jyoti Prasad Sinha Son of Prabhu Charan Prasad Sinha, Resident of Suki-Via-Patepur, P.O.- Suki, P.S.- Patepur, District- Vaishali.
 9. Dr. Maharani Rai Wife of J.P. Sinha, Resident of Suki-Via-Bariyapur, P.O.- Suki, P.S.- Patepur, District- Vaishali.
 10. Dr. Shiv Bhushan Kumar Son of Sri Deo Lal Rajak, Resident of Village - Dariya Chhapra, P.O. and P.S.- Motipur, District - Muzaffarpur, Bihar- 843111.
 11. Dr. Mohammad Mujtaba Jafri Son of Mohammad Nazim Jafri, Resident of Al-Fazal Complex, Flat No. 202, Near S. Raza Girl's High School, P.S. Gardanibagh, District- Patna, Bihar - 80002.
 12. Dr. Devesh Chand son of Prem Chand, Resident of Near Mahadev High School, Gani Chak, P.S. Khusrupur, District- Patna, Bihar - 803202.
 13. Dr. Archana Katiyar Wife of Jitendra Singh Gangwar, Resident of A/3/17, Officers Flat Bailey Road, Rajvanshi Nagar, P.S.- Shastri Nagar, District- Patna.
 14. Dr. Kumar Sachin Kishore Son of Sheo Ratan Ram, Resident of Ward No. 26, Behind Ambedkar Hostel Chandmari, P.S.- Motihari Town, District - East Champaran, Bihar- 845401.
 15. Dr. Mir Shafiqur Rahim Son of Dr. Mir Moijar Rahim, Resident of Galaxy House, Brahampura Mehendi Hassan Road, P.O.- M.I.I.T. P.S.- Barhampura, District- Muzaffarpur, Bihar - 842003.
 16. Dr. Abdul Gani son of Md. Ayub, Resident of Village - Nauka Tola, P.O. and P.S. Raksaul, District - East Champaran, Bihar-845305.
 17. Dr. Daya Sagar Arya Son of Late Saryu Arya, Resident of Village - Dharhari, P.O. - Dipahai, P.S.- Chiraiya, District- East Champaran, Bihar- 845315.



18. Dr. Pradeep Kumar Son of Jairam Prasad, Resident of Raghunathpur, P.S- Chiraya P.O. - Mirpur, District- East Champaran.
19. Dr. Abhijit Singh Son of Deomani Singh, Resident of Bhagwanpur House No. 1, Behind S.B.I. Rajvanshi Nagar, P.S- Shastrinagar, District- Patna, Bihar- 800023.
20. Dr. Umashankar Prasad son of Sri Siyaram Mahto, Village and P.O. Lagunia Suraj Kanth, P.S. Samastipur, District- Samastipur, Bihar - 848101.
21. Dr. Madhu Kiran Wife of Dr. Ashok Kumar Sinha, Resident of Langartoli, Naala Road, P.O. and P.S. Kadamkuan, District- Patna.
22. Dr. Digambar Sharma son of Late Ratan Lal Sharma, Resident of Jai Prakash Colony, Madhubani, P.S. Purnea, District- Purnea, Bihar- 854301.

... .. Petitioners.

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Additional Chief Secretary-cum-Principal Secretary, Finance Department, Government of Bihar.
3. The Additional Chief Secretary-cum-Principal Secretary, General Administration Department, Government of Bihar.
4. The Additional Chief Secretary-cum-Principal Secretary, Health Department, Government of Bihar.
5. The Director in Chief, Health Department, Government of Bihar.
6. The Deputy Secretary, Health Department, Government of Bihar.
7. Dr. Nirbhay Kumar Singh Son of Late Krishnadeo Singh, Resident of Bheriyahi, P.S.- Pakdidayal, District- East Champaran.
8. Dr. Vinay Kumar Son of Sri Rajendra Prasad Singh, Resident of Bhadodih, Bishnupur Road Bye Pass, Ward No. 4, Jhumri Tillaiya, P.S. Koderma, District- Koderma, Jharkhand- 825409.
9. Dr. Arvind Kumar Nanda Son of Ganga Pandit, Resident of Flat No. G4, Block - B, Mundeshwari Terrace Garden, Ashiyana Digha Road, P.S. - Rajeevnagar, District- Patna.
10. Dr. Gopal Krishna Son of Hari Prasad Singh, Resident of House No. 61, Road No. 2, Indrapuri P.O. Keshrinagar, P.S- Patliputra, District- Patna, Bihar - 800024.
11. Dr. Amitabh Ranjan Son of Late Rajeshwar Prasad Narayan Sinha, Resident of Patahi Niwas, Juran Chapra, Road, No. 3, P.S. Brahmpura, District - Muzaffarpur.
12. Dr. Sanjay Kumar Son of Rajeshwar Prasad Sinha Resident of At and P.O. MIT, P.S. Brahmpura, District - Muzaffarpur.
13. Dr. Ravi Shankar so of Sadhu Sharan Singh, Resident of At and P.O. Jethian, P.S. Atri, District- Gaya, Bihar.
14. Dr. Anjani Kuamar son of Late Sheo Shankar Prasad, Resident of House No. CA/8, P.C. Colony Lohiyanagar, P.S.- Kankarbagh, District -Patna.
15. Dr. Rajesh Kumar Singh Son of Ram Kumar Singh, Resident of C-8, Krishi



- Nagar, P.S. - Shastri Nagar P.O.- Ashiyana Nagar, District- Patna, Bihar-800025.
16. Dr. Shatrughan Ram Son of Bachu Ram, Resident of Bhimpura, P.S. -Sandesh P.O. -Baga District - Bhojpur, Bihar- 802164.
 17. Dr. Srinivas Upadhyay Son of Ramjee Prasad Upadhyay, Resident of Ward No. 20, Sohniipatti, P.S.- Buxar Town, District- Buxar, Bihar- 802101.
 18. Dr. Shyam Babu Rajakak Son of Late Ram Autar Ram Rajak Resident of Bakarganj, P.S.- Pirbahore, P.O. - Bankipur, District - Patna, Bihar-800004.
 19. Dr. Sanjay Kumar Son of Late Jagdish Prasad Singh, Resident of Dibhiya, P.S. - Kargahar P.O.- Dibhiya, District- Rohtas.
 20. Dr. Madhu Singh Wife of Sanjay Kumar, Resident of Dibhiya, P.S.- Kargahar, P.O. - Dibhiya, District- Rohtas.
 21. Dr. Mitendra Kumar Son of Late Ramnath Singh, Resident of Beur Near IIHER, P.S.- Beur, P.O. Beur, District- Patna, Bihar - 800002.
 22. Dr. Manoj Kumar Mishra Son of Akshyakant Mishra, Resident of Gaytri Nagar, P.S.- Motihari Town, District- East Champaran, Bihar- 845401.
 23. Dr. Chetan Jaiswal Son of Anand Deo Prasad, Resident of Private Bus Stand Road, Chhatauni Chaok, P.S.- Chhatauni, District- East Champaran.
 24. Dr. Harendra Prasad Son of Late Satyadev Prasad Resident of Bhakurahiya, P.O. Saraiya Gopal-via-Patahi, P.S.- Patahi, District- East Champaran.
 25. Dr. Mohan Lal Prasad Son of Mahavir Prasad, Resident of Pakridayal Road, Near Bengali Colony, Chhatauni Bazar, P.S Chhatauni, District- East Champaran, Bihar - 845401.
 26. Dr. Kumar Suraj Prakash Son of Ram Bhajan Chaudhari, Resident of Village Mahuari, P.O. and P.S. - Arwal, District- Arwal, 804401.
 27. Dr. Mrityunjay Kumar Son of Bodh Narayan Sah, Resident of House No. 16, Kauwa Koli Lane, Near Hanuman Mandir, P.S Nath Nagar, District- Bhagalpur, Bihar- 812006.
 28. Dr. Pratibha Kumari Wife of Mithilesh Prasad, C/14 Doctors Colony Central Hospital, Naisarai, P.S.- Ramgarh, District- Ramgarh, Jharkhand - 829122.
 29. Dr. Sanjay Kumar Suman Son of Adhiklal Prasad Yadav, Resident of Babutola, Nanka Near Tara Mandir, P.O. and P.S. - Banka, District- Banka, Bihar-813102.
 30. Dr. Sandhya Kumari Wife of Dr. Amrendra Kumar Sinha, Resident of Village and P.O. - Badka Rajapur, P.S.- Simri, District- Buxar.
 31. Dr. Chandan Kumar Son of Gopal Prasad Sinha, Resident of Sanchi Patti Bagbhali Gacchi, P.O. Hajipur, P.S.- Hajipur, District- Vaishali, Bihar-844101.
 32. Raghvendra Kumar Son of Yadvendra Kumar, Resident of 101/386, A.P. Colony, P.S.- Rampoor, District - Gaya, Bihar - 823001.
 33. Dr. Ajit Kumar Son of Jagdish Rai , Resident of Naya Talab, Station Road, P.S.- Dumrao, District- Buxar, Bihar- 802119.
 34. Ajay Pratap Son of Udit Narayan Singh, Resident of Village and P.O.- Barauli, P.S.- Bhabhua, District- Kaimur.



35. Rajiv Ranjan Son of Shree Kant Dubey, Resident of Village and P.O. - Jhumar Dihara, Block - Barun, P.S.- Barun, District- Aurangabad.
36. Dr. Sanjay Kumar Gupta Son of Sri Lallan Prasad, Resident of Village and P.O. Sakra Bazaar, P.S. Ramgarhwa, District- East Champaran.
37. Dr. Mahendra Singh Son of Late Lakshmi Prasad, Resident of Village- Mahdeva, P.O. - Noniadih, P.S.- Raxaul, District -East Champaran.
38. Dr. Satish Kumar Son of Late Ram Nagina Paswan, Resident of Village - Maniyarpur, Dariyapur, Rajapur, P.S Nathnagar, District- Bhagalpur.
39. Dr. Mahesh Choudhary son of Dev Nath Choudhary, Resident of At and P.O. Mahua, P.S. Mahua, District- Vaishali, Bihar - 844122.
40. Dr. Ehtamamul Haque son of Ekramul Haque, Resident of Patharghatti, Bibiganj, Dighalbank, P.S. Bahadurganj, District- Kishanganj, Bihar - 855101.
41. Dr. Rajeev Ranjan Kumar son of Lal Babu Sah, Resident of near Kotwali Chowk, Gali No. 1, P.S. Bettiah, District- West Champaran, Bihar- 845438.
42. Dr. Amit Kumar Jaiswal Son of Sri Shankar Prasad Jaiswal, Resident of Station Road, P.S. Sikta, District- East Champaran.
43. Dr. Shashi Bhushan Prasad Sinha Resident of Flat No. 202, Kumar Ranjan Enclave, Near Rajeshwar Hospital, Bahadurpur, P.S. Kankarbagh, District- Patna, Bihar-800020.
44. Dr. Sneha Tripti Wife of Sri Radhakant, Resident of Flat 4F, A Block, Sai Nilayam Apartment, Police Colony, P.S. Anishabad, District- Patna.
45. Dr. Sushil Kumar Singh Resident of Umarao Singh, Resident of College Road, Kaudihar Chowk, Ward No. 3, P.S. Raxaul, District- East Champaran, Bihar - 845305.

... .. Opposite Parties.

Appearance :

For the Petitioners	:	Mr. Kumar Kaushik, Advocate.
For the State	:	Mr. S.D. Yadav (AAG- 9).
		Mr. Braj Bhushan Mishra, AC to AAG-9.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 06-10-2023

Heard Civil Review.

2. Learned counsel for the review petitioners submitted that there is error in paragraph-6 of the Judgment dated 04.01.2022 passed in C.W.J.C. No.9451 of 2020 to the extent that such of similarly situated persons whose services



have been counted is with reference to amendment of certain rules on 27.05.2013. Therefore, the review petitioners are also entitled identical criteria while amending the relevant rules like a Dynamic Health Service Rules of Bihar Health Service (Appointment and Service Conditions) Rules 2013.

3. The same cannot be examined for the reasons that it is a policy decision of the State Government. The cited employees who have been extended past service for the purpose of granting ACP and the petitioners formed a different class of persons. Under Article 14 of the Constitution of India, reasonable classification is permissible. Therefore, the petitioners have not made out a case so as to review the Judgment dated 04.01.2022 passed in C.W.J.C. No.9451 of 2020.

4. Accordingly, the present Civil Review Petition stands dismissed.

(P. B. Bajanthri, J)

P.S./-Manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.10.2023.
Transmission Date	NA

