

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2721 of 2023

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Ajay Kumar Dubey @ Ajay Dubey Son of Baidnath Dubey, Resident of
Village- Sakra Bazid, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Cum Commissioner
Department of Health and Family Welfare Govt. of Bihar Patna.
2. The Director in Chief Health Service, Bihar Patna.
3. The Deputy Director Health Service, Bihar Patna.
4. The District Magistrate cum Collector, Muzaffarpur.
5. The Civil Surgeon cum Chief Medical Officer, Muzaffarpur.
6. The Civil Surgeon cum Member Secretary District Health Committee,
Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Uday Prakash Shrarma, Advocate
For the State	:	Mr.Ajay Behari Sinha (GA8), Sr. Adv with Mrs. Seema, Adv. A.C to GA8

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Writ application has been filed by the petitioner,
who claims to be a voluntary health worker since 2000. He has
made a prayer for regularization under the settled legal position
arising from decision of this Court in the case of *Ashok Kumar
Sharma vs State of Bihar* reported in *2016 (1) PLJR (HC) –
232*.

3. Learned counsel for the State has appeared and
submitted that as per petitioner's own disclosure in the writ



petition, he had earlier moved this Court in C.W.J.C. No. 4633 of 2014 (Ajay Kumar Dubey & Ors vs. The State of Bihar & Ors) for the same relief, which has already been rejected on 06.03.2014.

4. On going through the order, the Court finds that the claim was considered to be belated in 2014 itself. Apart from that, the Court had taken into consideration that they are voluntary health workers and have not been appointed against any sanctioned post and could not maintain a claim for regularization having regard to the nature of voluntary services being offered by them.

5. The issue which has been decided in C.W.J.C. No. 4633 of 2014 is binding inter-parties and has not been assailed or upset in any appellate proceedings.

6. The petitioner's reliance placed on decisions in other cases, therefore, is not tenable, his own case having been decided by this Court in C.W.J.C. No. 4633 of 2014.

7. The claim for regularization, therefore, is not worthy of consideration. Insofar as claim for minimum wages, the issue has not been raised by him before any authority and, therefore, with liberty to the petitioner to raise their issue before the authority, placing reliance on decisions of the Division



Bench in L.P.A. No. 30 of 2015 and C.W.J.C. No. 15140 of 2014, writ petition is dismissed.

(Madhuresh Prasad, J)

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