

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 700 of 2019

1. Prabhat Kumar Son of Kusheshwar Sharma resident of Mohalla- Khemnichak, Malti Niwas, Road No.1, Police Station- Ram Krishna Nagar in the district of Patna.
2. Md. Rehan Ashraf, Son of late Md. Khalid, resident of Mohalla- Sajjad Colony, Police Station K. Hat Line Bazar in the district of Purnia.
3. Mukta Bharti, Daughter of Sri Ajit Kumar resident of Mohalla- Shantinagar, P.O. and P.S.- Jehanabad in the district of Jehanabad.
4. Prabhat Kumar Raju, Son of Sri Vijay Kumar Sharma resident of Mohalla- Ganjala, Ward No. 19, Police Station- Saharsa in the district of Saharsa.
5. Shailesh Chandra, Son of Sri Vinay Kumar, resident of Village- Chakdonai, P.O. and P.S.- Runni Saidpur in the district of Sitamarhi,
6. Md. Faizan Alam Ashrafi, Son of Md. Manzoor Alam Ashrafi, resident of Village and P.O. Machipur, Police Station- Lodipur in the district of Bhagalpur.
7. Vishal Kumar Singh, Son of Sri Prabhu Nath Singh, resident of Village- Bahagawana, Police Station- Siswan in the district of Siwan.
8. Amit Anchal, Son of late Harikesh Prasad resident of Village- New Gopalpur, Police Station- Motihari in the district of East Champaran.
9. Manish Kumar, Son of Sri Lakshmi Kant Lal, resident of Village- Baliyari, P.O. Sukhet, P.S. Jhanjharpur in the district of Madhubani.
10. Sudhanshu Narayan Lal, Son of Sri Mithilesh Kumar Lal, Resident of Village- Gangapatti, P.S. Bahadurpur in the district of Darbhanga.
11. Anwar Alam, Son of late Mustafa Alam, Resident of Village- Nasriganj Pathantoli Bataganj, Police Station- Danapur in the District of Patna.
12. Vivek Kumar Singh, Son of Sri Rameshwar Singh, Resident of Mohalla- Baratpur, Police Station- Aurangabad in the District of Aurangabad.
13. Nilesh Kumar, Son of Sri Pawan Kumar Singh, Resident of Village- Kobil, Police Station- Islampur in the district of Nalanda.
14. Pawan Kumar, Son of Sri Dinesh Chandra Dutta, Resident of Village- Amawan, Police Station- Rajauli in the district of Nawada.
15. Ajay Kumar Singh, Son of Sri Gopal Singh, Resident of Mohalla- Ashok Nagar, Police Station- Rampur in the District of Gaya.
16. Md. Khalid Hussain, Son of late Tengari Mian, Resident of Village- Kurwan, P.O. Burhwal, Police Station- Karakat in the district of Rohtas.
17. Daya Shankar Nidhi@ Daya Shankar, Son of Sri Chandra Bihari Nidhi, Resident of Village and P.O. Kharajpur, Police Station- Bahadurpur in the District of Darbhanga.
18. Md. Nasim Razi Son of Md. Yasin, Resident of Village-Balasath, P.O. and P.S. Pupri in the District of Sitamarhi.
19. Bhagwan Prasad Verma, Son of late Awadhesh Prasad Verma, Resident of Mohalla- Kyastha tola Purab, Police Station- Saharsa in the district of



Saharsa.

20. Gyanendra Shekhar, Son of Sri Dinesh Sharma, Resident of Village- Kako, P.O. and P.S.- Kako, in the district of Jehanabad.
21. Brajesh Kumar Singh@ Brajesh Kumar, Son of Dr. Birendra Prasad Singh, Resident of Village- Nautan, Police Station- Marorrha in the District of Saran.
22. Asit Ranjan, Son of late Pramod Kumar Ray, Resident of Village- Halkarchak, P.O. Bath in the district of Bhagalpur.
23. Surendra Das, Son of late Jogesh Chandra Das, Resident of Village- Khagra, Police Station- Kishanganj in the District of Kishanganj.
24. Dhiraj Kumar, Son of Dr. Lallan Prasad Srivastava, Resident of Village-Nai Basti, Police Station- Siwan in the district of Siwan.
25. Shyam Kumar Nirmal, Son of Sri Rambali Mistri, Resident of Village and P.o. Khodaganj, P.S. Khodaganj, in the district of Nalanda.
26. Pankaj Kumar Mishra, Son of Sri Ram Sewak Mishra, Resident of Village- Thalwara, P.S. Ashok Paper Mill, Hanuman Nagar in the district of Darbhanga.
27. Thakur Vishwa Mohan, Son of Sri Thakur Kamta Saran, Resident of Mohalla- Shastri Nagar, Police Station- Siwan Nagar in the district of Siwan.
28. Mani Bhushan Jha, Son of Sri Shatrughan Jha, Resident of Mohalla- Dr. Narayan Pd. Lane, Police Station- Sultanganj in the district of Patna.
29. Salim Jawed, Son of Dr. Md. Iliyas, Resident of Village and P.O. Bara Chakia, Police Station- Chakia in the District of East Champaran.
30. Sanoj Kumar Son of Sri Chandrika Prasad, Resident of Mohalla- Siho Bhawan, Dr. Janardhan's Lane, Purandarpur, Police Station- Jakkanpur in the district of Patna.
31. Abhijeet Gaurav, Son of Sri Anirudh Prasad Singh, Resident of Village- Dumrawan, Police Station- Asthawan in the district of Nalanda.
32. Ashwini Kumar, Son of Sri Kanhaiya Prasad, Resident of Mohalla- Sarswati Kunj, Adarsh Colony, Karma Road, Police Station- Aurangabad in the district of Aurangabad.
33. Somesh Kumar Jha, Son of Sri Haldhar Jha, Resident of Village- Manikpur, Police Station- Tarapur in the district of Munger.
34. Chaturbhuj Prasad, Son of Sri Surya Narayan Prasad, Resident of Village- Mirganj, Police Station- Begusarai in the district of Begusarai.
35. Prem Kumar Jha, Son of Sri Rajendra Jha, Resident of Mohalla- Gola Road, Baily road, Police Station- Rupaspur in the district of Patna.
36. Ranjeet Kumar, Son of Sri Anil Kumar, Resident of Hilsa, Police Station- Hilsa in the District of Nalanda.
37. Ashutosh Kumar Chaudhary, Son of Sri Narayan Chaudhary, Resident of Mohalla- Madhucam Sai Bihar, Police Station- Ranchi in the district of Ranchi(Jharkhand).
38. Santosh Kumar, Son of Sri Vijay Kumar Singh, Resident of Village- Dumrawan, Police Station- Pakribarawan in the District of Nawada.



39. Saket Kumar Sinha, Son of late Prem Saran Prasad, Resident of Village-Gaurakshni, Police Station- Sasaram in the district of Rohtas.
40. Shashi Bhushan Kumar Pandey, Son of Sri Uma Kant Pandey, Resident of Mohalla- P.I.T. Colony, L-2/73 Kankarbagh P.S. Patrakarnagar in the district of Patna.
41. Satyendra Bhardwaj, Son of Sri Lakshman Dubey, Resident of Village-Dubey Dihri, P.S.- Dinara in the district of Rohtas.
42. Ajay Kumar Sinha, Son of late Saket Bihari Sinha, Resident of Village-Madhopur, Police Station- Kotwali in the district of Munger.
43. Pradip Kumar Jha, Son of Sri Madhav Jha, Resident of Mohalla-Kankarbagh, P.S. Ram Krishna Nagar in the district of Patna.
44. Raj Kishor Prasad, Son of Sri Nand Kishore Prasad, Resident of Mohalla-Bari Nagla, Police Station- Malsalami in the district of Patna.
45. Nirbhay Kumar, Son of Sri Shiv Dani, Resident of Village- Bherhariya, Police Station- Paliganj in the district of Patna.
46. Sumit Bharti, Son of Sri Harendra Narayan Kanti, Resident of Mohalla-Lohiya Nagar, Ward No. 19, P.S. Madhepura in the district of Madhepura.
47. Shiv Kumar, Son of Sri Ram Sewak Singh, Resident of Mohalla- Teachers Colony Ahiyapur, New Zeromile, Police Station- Ahiyapur in the district of Muzaffarpur.
48. Pankaj Kumar, Son of Sri Prasanna Kumar Jha, Resident of Village-Shokhara-2, Kalambag, Police Station- Phulwarai Teghra in the district of Begusarai.
49. Amrendra Kumar Arya, Son of Sri Satya Narayan Arya, Resident of Village-Marwa, Police Station- Pakribrawan in the district of Nawada.
50. Sunil Kumar Jaiswal, Son of Sri Ishwar Chand Prasad, Resident of Mohalla-Station Road, Mohania, Police Station- Mohania, in the district- Kaimur.
51. Mantosh Kamal, Son of Sri Kamal Narayan Jha, Resident of Mohalla-Gangjala, Ward No. 17, Police Station- Saharsa in the district of Saharsa.
52. Abhinay Kumar Sinha, Son of Sri Lalan Prasad Sinha, resident of Mohalla-1/42 Shivpuram, Vijay Nagar, Baily Road and Police Station- Danapur in the district of Patna.
53. Navin Prakash Son of Sri Dinanath Singh, Resident of Mohala- Saketpuri, Badi Yusufpur, Police Station- Hajipur in the district of Vaishali.
54. Abhijeet Bhushan, Son of Sri Indu Bhushan Prasad, Resident of Mohalla-Bank of India Colony, Police Station- Shashtri Nagar in the district of Patna.
55. Sanjeev Kumar Singh, Son of Sri Jai Kishor Singh, Resident of Mohalla-Laxisagar Saidpur, Police Station- Lnnu Thana in the district of Darbhanga.
56. Randheer Kumar, Son of Sri Sahajendra Prasad Sharma, Resident of Village-Madhopur, Police Station- Janipur, Phulwari Sarif in the district of Patna.
57. Md. Naushad, Son of late Md. Zakir Hussain, Resident of Jail Road Infront of Jail Quarter Chandwara, Police Station- Muzaffarpur in the district of Muzaffarpur.
58. Bindo Kumar, Son of Sri kedar Lal Baranwal, Resident of Village-



Machhindra, Police Station- Jhajha in the district of Jamui.

59. Savyaschee Pandit, Son of Sri Awadhesh Kumar Pandit, Resident of Village-Gaddighat, Navtoliya, Police Station- Rupauli in the district of Purnia.
60. Anjani Nandan Sharan Mishra, Son of Sri Ram Sharan Mishra, Resident of Mohalla- Thana Colony, Police Station- Bounsi in the district of Banka.
61. Rajan Sinha, Son of Akshayabat Prasad, Resident of Mohalla- Chitraguta Nagar, Pokharia, Police Station- Begusarai in the district of Begusarai.
62. Dhananjay Kumar, Son of late Raghuraj Sharma, Resident of Mohalla-Kankarbagh, Police Station- Kankarbagh in the district of Patna.
63. Brajesh Kumar, Son of Sri Haribansh Prasad Srivastava, Resident of Village-Turki, Police Station- Minapur in the district of Muzaffarpur.
64. Arvind Kumar Son of Sri Raghunandan Prasad Gupta, Resident of Mohalla-Bodh Bihar Colony, Police Station- Agamkuan, Patna in the district of Patna.
65. Binay Kumar Singh, Son of Sri Birendar Kumar Singh, Resident of Village-Santpur, Police Station- Jharaukhar in the District of East Champaran.
66. Akhilesh Kumar Singh, Son of Sri Raj Narayan Singh, Resident of Mohalla-Hanuman Nagar, Police Station- Patrakar Nagar in the district of Patna.
67. Mukesh Kumar, Son of Sri Bhuwneshwar Prasad Singh, Resident of Village-Nawadiha, Police Station- Khaira in the district of Jamui.
68. Muzaffar Ali, Son of Md. Hashim Ali, Resident of Village- Tarbanglaw, Police Station- Dehri in the district of Rohtas.
69. Rajesh Kumar Jha, Son of Sri Kapindra Jha, Resident of Village-Mairchai Bari, Police Station- Mairchaibari Chowk in the district of Katihar.
70. Kaushlendra Kumar, Son of Sri Nageshwar Prasad Chaurasia, Resident of Mohalla- Rajeev Nagar, Police Station- Rajeev Nagar in the district of Patna.
71. Shashi Bhushan Prasad, Son of Sri Harendra Prasad, Resident of Mohalla-Motibagh, Shastri Nagar, Police Station- Kishanganj in the district of Kishanganj.
72. Alok Kumar, Son of Sri Jago Sah, Resident of Village- Rahiklatola, Ward No. 13, Police Station-Murliganj in the district of Madhepura.
73. Rachana Kumari, Wife of Sri Akhilesh Kumar Yadav, Resident of Village-Sandalpur, Police Station- Kasim Bazar in the district of Munger.
74. Jay Shankar Prasad, Son of Sri Jay Prakash Prasad, Resident of Village-Daruara, Police Station- Noorsarai in the district Nalanda.
75. Amit Kumar, Son of Sri Krishna Nand Singh, Resident of Village-Mosadpur, P.O. Tilrath, Police Station- Barauni in the district of Begusarai.
76. Shashi Kanti Prakash, Son of Sri Surendra Kumar, Resident of Ganga Singh College Road, Salempur , Police Station-Chhapra in the district Chhapara.
77. Amanullah, Son of Rahmat Ali, Resident of Mohalla- Alamganj Machhua Toli, Police Station-Alamganj in the district of Patna.
78. Deepak Kumar Vibhakar, Son of Sri Anil Kumar Jha, Resident of Village-lalganj, Police Station-Bihra in the district of Saharsa.
79. Rituraj Son of Sri Indu Bhushan Pathak, Resident of A-63, Police Station



Anishabad, Police Station-Gardanibagh in the district of Patna.

80. Kanchan Kumari, Wife of Prabhakar Chaudhary, Resident of Mohalla-Murli Basantpur, P.S. Murli Basantpur in the district of Saharsa.
81. Alok Kumar, Son of Sri Ram Balak Kumar, Resident of Mohalla- Sarvoday Nagar, Police Station- Begusarai in the district of Munger.
82. Bhanu Sharma, Son of Sri Tapan Sharma, Resident of Village- Nayagaon Baddipara, Police Station-East Colony in the district of Munger.
83. Ravi Shekhar , Son of Sri Fanindra Bhushan Singh, Resident of Village- Agwanpur Chauhantola, Police Station- Barh in the district of Patna.
84. Kumar Viresh Verma, Son of Sri Surendra Kumar Verma, Resident of Village- Mohandih, Police Station- Dumra in the district of Sitamarhi.
85. Pankaj Kumar Jha, Son of Sri Birendra Prasad Jha, Resident of B-41(T), Dhurwa, Police Station- Dhurwa in the district of Ranchi(Jharkhand).
86. Chandra Shekhar Son of Sri Krishna Kumar, Resident of Mohalla- Bajrang Bali Colony, Police Station- Phulwari Sharif in the district of Patna.
87. Shoaib Raza, Son of Mustaqeen Khan, Resident of Mohalla- Hanuman Gadhi, Near Sadar Kabristan, Police Station- Town Thana in the district of East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Development Commissioner, Government of Bihar, Patna.
5. The Joint Secretary, Health Department, Government of Bihar, Patna.
6. The Director -in-chief, Health Department, Government of Bihar, Patna.
7. The State Health Society, Bihar Patna through its Executive Director.
8. The Executive Director, State Health Society, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Sunil Kumar, Advocate
For the S t a t e	:	Mr S D Yadav
For Respondents 7 & 8	:	M/s K K Sinha, Shashi Shekhar, Advocates

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

4 **11-09-2023** Heard learned counsel for the petitioners and the



respondents.

2 This writ petition has been filed for the following reliefs:

“I To direct the respondents to implement the decision taken by the Government vide Resolution contained in Memo No 125 dated 20.02.2014 regarding creation of Public Health Cadre and Hospital Management Cadre with respect to the petitioners working under National Health Mission (hereinafter referred as NHM) on different post i e, District Project Manager, District Accounts Manager, DMEO, etc on contract basis in the State of Bihar.

II Also to direct the state respondents to formulate the service conditions with respect to the petitioners working under NHM on different posts i e District Project Manager, District Accounts Manager, DMEO etc on contract basis since last more than a decade having Technical/Professional degree like MBA, MCA etc working at various level for running the NHM programme.

III Also to direct the respondents to not disturb the petitioners from working of their respective posts/place till creation of separate cadres with respect to the petitioners, who are working on contract basis on different posts under NRHM/NHM Programme.

IV Also for any other relief/reliefs for which the petitioners are found to be entitled in the eye of law.”



3 After some argument, learned counsel for the petitioners submits that in view of the Resolutions of the Government, the petitioners may be permitted to separately represent before the Government with relevant documents.

4 If the said representation/s is/are filed by the petitioner/s individually within a period of four weeks from today, the State shall take a decision in the matter at the earliest.

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

(Rajiv Roy, J)

M.E.H./-

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