

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3114 of 2019

1. Arvind Prasad and Ors S/o late Kesho Mahto Resident of Village- Jhamadih, P.S. Noorsarai, Distt. Nalanda.
2. Braj Kishore Prasad S/o Hira Kishun Prasad Resident of Village- Baidarabad, P.S. Arwal, Distt. Jehanabad.
3. Arun Kumar S/o late Ram Sharan Prasad resident of Village- Shahbazpur, P.S. Asthawan, Distt- Nalanda.
4. Moosan Lal S/o late Jwala Sahu Resident of Village- Rampur, P.S. Rohi, Distt. Nalanda.
5. Md. Anwar Khurshid S/o Md. Khurshid Hassan Resident of Village- Bharhadari, P.S. Biharsharif, Distt. Nalanda.
6. Ashok Kumar Son of Ram Balak Singh Resident of Village- Kajahia, P.S. Akbarpur, Distt. Nawadah.
7. Sanjay Kumar S/o Satyanarain Singh Resident of Village- Keora, P.S. Punpun, Distt. Patna
8. Krishna Prasad S/o late Damri Prasad Resident of Village- Dandanapur, P.S. Guraru, Distt. Gaya.
9. Amod Chandra Dutta S/o late Ambika Chandra Dutta Resident of Village- Bandoh, P.S. Rahui, Distt. Nalanda.
10. Sudhanshu Bhushan S/o late Krishna Mohan Payare Resident of Mohalla- Jagdamba Printing Press, Dariyapur, P.S. Kadamkuan, Distt. Patna
11. Vinod Prasad S/o late Kali Mahto Resident of Village- Meernagar, P.S. Sarmera, Distt. Nalanda.
12. Uma Devi W/o late Jyoti Prasad Near Deepak Pharmacy, East Lohanipur, Distt. Patna
13. Raj Kumar Paswan S/o late Jagnandan Paswan Resident of Mohalla- Nayagawn, P.S. Alamganj, Distt. Patna.
14. Ashok Kumar S/o late Munshi Singh Resident of Village- Itwa, P.S. Gurua, Distt. Gaya.
15. Sujay Kumar S/o Shyam Babu Resident of Mohalla- Karbigahiya, P.S. Jakkanpur, Distt. Patna
16. Awadhesh Prasad Son of Sitaram Saw Resident of Village- Babu Bazar, P.S. Giriyak, Distt. Nalanda.
17. Arvind Prasad S/o Ram Baran Prasad Resident of Village- Goropura, P.S. Jehanabad, Distt. Jehanabad.
18. Dinesh Prasad Pal S/o Krishnandan Prasad Resident of Village- Bhuther, P.S. Jehanabad, Distt. Jehanabad.
19. Ramnandan Choudhary S/o Hero Choudhary resident of Village- Bhandari, P.S. Rahui, Distt. Nalanda.
20. Nawal Kishore Prasad Son of late Chandeshwar Prasad Resident of Village- Dharampur, P.S. Kako, Distt. Jehanabad.



21. Vijay Kumar S/o Sachidanand Sinha Resident of Village- Mirnagar, P.S. Sarmera, Distt. Nalanda.
22. Sashi Kumar S/o Satyanarain Singh Resident of Village- Kewra, P.S.Punpun, Distt. Patna.
23. Shatru Sudan Kumar S/o late Rajeshwari Prasad Singh Resident of Mohalla-Kajipur, P.S. Kadamkuan, Distt. Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Principal Secretary-Cum-Commissioner, Health Department, Government of Bihar, Patna
2. The Director-in-Chief, Health Services, Government of Bihar, New Secretariat, Patna
3. The Deputy Director(Administration), Health Department, Government of Bihar, New Secretariat, Patna
4. The Deputy Director(T.B.), Health Services, Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Adv Mr. Alexander Ashok, Adv Ms. Akansha Malviya, Adv Mr.Kripa Nand Jha
For the Respondent/s	:	Mr.Nagendra Pd. Yadav (Sc23)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 28-02-2024 Learned Senior counsel for the petitioners and
counsel for the State.

2. Counsel for the petitioners submits that present writ petition has been filed by the petitioners with a limited prayer to treat the service of the petitioners under Old Pension Scheme alike other similarly situated persons who were selected along with these petitioners and appointed in the year 2000 for the same very panel and their services have been treated as under the old service conditions and to the extent, request to quash



Clause 7 of Memo No. 937 and Memo No. 981 dated 15.09.2018 and 28.09.2018.

3. Learned Senior counsel for the petitioners further submits that during the pendency of the writ petition, second supplementary Counter affidavit has been filed by Respondent No. 02. In the said counter affidavit, the pleadings/stand of the respondents are as follows:

5. That the contention of the petitioner raised in the present supplementary affidavit about resolution of Finance Department, Government of Bihar Memo No. 1206 (pe.) dated 28.11.2023 (Annexure-14) it is stated and submitted that the Health Department, Government of Bihar has taken note in the matter in the light of aforesaid resolution of Finance Department.

6. That it is pertinent to mention here that in the light of the resolution bearing Memo No. 1206 (Pe.) dated 28.11.2023 issued by the Finance Department, the necessary process will be started to invite option from the candidates come within zone of consideration and after preparation of a list of concerned persons the matter will be placed before the Finance Department, Government of Bihar by the Administrative Department for its consent.

7. That only after consideration and granting necessary consent of Finance Department regarding extension of old pension scheme in the light of resolution bearing Memo No. 1206(pe.) dated 28.11.2023 a further step will be taken by the Health Department, Government of Bihar in accordance with law.

4. In the light of the stand taken by the respondent, learned Senior counsel submits that a direction may be given to the petitioners to file fresh representation in light of the stand taken by the State Government in the second Counter affidavit and respondent authorities shall be directed to take decision



within stipulated period with regard to the grievances of the petitioner.

5. Counsel for the state has no objection for the same. He submits that petitioners may be directed to file representations.

6. In the light of the submissions made by the parties, this Court disposed of this writ petition directing the petitioners to file representation before the Respondent No. 2 i.e. The Director-in-Chief, Health Services, Government of Bihar, New Secretariat, Patna who shall take decision on the representation filed by the petitioners within 90 days from the date of filing of the fresh representation along with the order passed by this Court.

(Dr. Anshuman, J)

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