

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6720 of 2011

1. Ravindra Nath Choubey S/o Late Ram Chandra Choubey, R/o Village Dalsagar, P.S. Buxar Industrial Area, District-Buxar.
2. Lal Bachan Ram, S/o Late Pujeri Ram, R/o Village Dalsagar, P.S. Buxar Industrial Area, District-Buxar.
3. Uday Narayan Tiwari, S/o Late Parsuram Tiwari, R/o Village-Asha Padri, P.S. Simri, District-Buxar. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Bihar, Patna.
3. The Additional Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
4. The Deputy Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
5. The Director, Indigenous System of Medicine (Deshi Chikitsa), Government of Bihar, Patna.
6. The Principal, Government Dhanwantri Ayurvedic College, Ahirauli, Buxar. Respondent/s

Appearance :

For the petitioner/s : Mr. Shiv Kumar, Advocate
For the Respondent/s : Mr. Ajay
Mr. Akash Raj, AC to GA 5

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 09-01-2024

Heard learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

2. Despite two adjournments, no counter affidavit
has been filed on behalf of the State.

3. During the pendency of the writ petition, the
petitioners have filed a supplementary affidavit stating therein
that one Bishram Ojha was also terminated from service along
with the petitioners by order dated 29.08.2003 as contained in
Annexure - 3 of the writ petition. The said Bishram Ojha has
been paid the entire salary and other consequential benefits from
the date of termination until his reinstatement, in compliance of



the judgment dated 27.03.2018 passed in CWJC No. 12384 of 2006 which has also been affirmed by order dated 01.09.2023 passed in LPA No. 1211 of 2018 by a Division Bench of this Court.

4. Learned counsel for the petitioners submits that although Shri Bishram Ojha was also reinstated in service with the same conditions as that of the petitioners and that he will not get salary from the date of termination until his reinstatement on the principle of “No Work No Pay” which is clear from the order passed by respondent no. 5 contained in memo no. 1156 dated 17.12.2014.

5. Learned counsel for the petitioners further relied upon the paragraph 4.C(1) of the Bihar State Litigation Policy, 2011 framed by the state government itself that clearly states that “A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/applicant-employee/citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”

6. Learned counsel for the petitioners submits that in view of the aforesaid, the petitioners are also entitled to the



reliefs as granted to one Bishram Ojha in same terms and condition as stipulated in order dated 27.03.2018 passed in CWJC No. 12384 of 2006 which has also been affirmed by order dated 01.09.2023 passed in LPA No. 1211 of 2018 by a Division Bench of this Court.

7. In view of the aforesaid, the court is left with no other option except to dispose of the writ petition in terms of the order dated 27.03.2018 passed in CWJC No. 12384 of 2006 which has also been affirmed by order dated 01.09.2023 passed in LPA No. 1211 of 2018 by a Division Bench of this Court and in light of Litigation Policy of the Government of Bihar. The respondents are directed to examine the case of the petitioners and if it is found that the case of the petitioners are on the similar footing of the one Bishram Ojha then the respondents are directed to issue necessary orders in favour of the petitioners within a period of 3 months from the date of receipt/production of copy of order of this Court.

8. Accordingly, this writ petition stands allowed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.01.2024
Transmission Date	N/A

