

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15084 of 2012

Parashuram Tiwari S/O Late Nand Kishore Tiwari Resident Of Village-
Niranjanpur, Buxar, P.O. Ahirauli, P.S. Audyogiknagar, 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, Govt. Of Bihar, Patna
4. The Deputy Secretary, Department Of Health, Medical Education And Family Welfare, Govt. Of Bihar, Patna
5. The Director, Indegenous System Of Medicine Deshi Chikista, 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	:	Mrs. Binita Singh
		Mr. Vivek Anand Amritesh, AC to SC 28

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 09-01-2024

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

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

3. During the pendency of the writ petition, the
petitioner has filed a supplementary affidavit stating therein that
one Bishram Ojha was also terminated from service along with
the petitioner 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 petitioner submits that although Shri Bishram Ojha was also reinstated in service with the same conditions as that of the petitioner 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 petitioner 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 petitioner submits that in view of the aforesaid, the petitioner is 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 petitioner and if it is found that the case of the petitioner is on the similar footing of the one Bishram Ojha then the respondents are directed to issue necessary orders in favour of the petitioner 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
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