

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8979 of 2018

1. Banka Prasad S/o Bikaw Sah, Resident of Village-Champapur, P.O.-Champapur, P.S. Ramgarhwa, District-East Champaran.
2. Shiv Shankar Singh S/o-Chandrama Singh, Resident of Village-Patnee, P.S. Ramgarhwa, District-East Champaran.
3. Madan Prasad, S/o Mahonlal Sah, Resident of Village-Uchchi Dih, P.S. Ramgarhwa, District-East Champaran.
4. Md. Motiur Rahman, S/o Karmullah, Resident of Village-Aamo Dehi, P.S. Ramgarhwa, District-East Champaran.
5. Raj Kishore Singh, S/o-Bijali Singh, Resident of Village-Dhanhar Dehuli, P.S. Ramgarhwa, District-East Champaran.
6. Md. Hasan, S/o-Md. Ali, Resident of Village-Adhkapariya, P.S. Ramgarhwa, District-East Champaran.
7. Jagdish Prasad, S/o Ram Lal Prasad, Resident of Village-Dubauliya, P.S. Ramgarhwa, District-East Champaran.
8. Raghaw Sharan Singh, S/o Shivnath Singh, Resident of Village-Pantoka, P.S. Ramgarhwa, District-East Champaran.
9. Bachcha Singh, S/o-Jai Narain Singh, Resident of Village-Singhasani, P.S. Ramgarhwa, District-East Champaran.
10. Bhikhari Sah @ Bhikhari Prasad, S/o-Hardeo Prasad, Resident of Village-Singhasani, P.S. Ramgarhwa, District-East Champaran.
11. Yogendra Prasad @ Yogendra Prasad Yadav, S/o Bhikh Deo Prasad, Resident of Village-Bhogbaliya, P.S. Ramgarhwa, District-East Champaran.
12. Ram Babu Prasad, S/o-Harihar Prasad, Resident of Village-Bherihari, P.S. Ramgarhwa, District-East Champaran.
13. Shashi Kant Tiwary, S/o Shankar Nath Tiwary, Resident of Village-Shishwaniya, P.S. Ramgarhwa, District-East Champaran.
14. Shardanand Prasad, S/o-Brij Band Prasad, Resident of Village-Bairiya, P.S. Ramgarhwa, District-East Champaran.
15. Akhilesh Chandra, S/o Kapileshwar Prasad Chandra, Resident of Village-Champapur, P.S. Ramgarhwa, District-East Champaran.
16. Ramjee Tiwary, S/o Sri Dhanush Dhari Tiwary, Resident of Village-Sidhpur Kesariya, P.S. Ramgarhwa, District-East Champaran.
17. Naiyar Azam, S/o Makbul Ahmad, Resident of Village-Aamodeyi, P.S. Ramgarhwa, District-East Champaran.
18. Krishna Deo Prasad Yadav @ Krishna Deo Prasad, S/o Daroga Prasad Yadav, Resident of Village-Inarwa, P.S. Ramgarhwa, District-East Champaran.
19. Shivpujan Prasad, S/o-Sitaram Prasad Sah, Resident of Village-Bherihari, P.S. Ramgarhwa, District-East Champaran.
20. Bindeshwari Singh, S/o-Surya Singh, Resident of Village-Bahuari, P.S. Ramgarhwa, District-East Champaran.



21. Nand Kishore Bharti, S/o Bishwanath Bharti, Resident of Village- Champapur Tola Balua, P.S. Ramgarhwa, District-East Champaran.
22. Prabhu Nath Tiwary, S/o Rajendra Tiwary, Resident of Village- Siswaniya, P.S.-Ramgarhwa, District-East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary to Chief Minister, Chief Minister's Secretariat, Government of Bihar, Patna.
3. The Principal Secretary, Department of Health, Government of Bihar, Patna.
4. The Director-in-Chief, Health Services, Department of Health, Govt. of Bihar, Patna.
5. The Director, Health Services (Primary) Department of Health, Government of Bihar, Patna.
6. The Additional Director, Health Services (Primary), Govt. of Bihar, Patna.
7. The Collector-cum-District Magistrate, East Champaran at Motihari.
8. The Civil Surgeon-Cum-Chief Medical Officer, East Champaran at Motihari.
9. The Medical Officer, Primary Health Centre Ramgarhwa, East Champaran.
10. The In-Charge Medical Officer, Primary Health Centre Ramgarhwa, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar No.1, Advocate Mr. Niraj Nischal, Advocate
For the Respondent/s	:	Mr. Anil Kumar Verma, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 02-07-2024

I.A. No.2 of 2024

The present interlocutory application has been filed for impleadment of petitioners as a necessary party to be arrayed in the column of petitioners.

2. Learned counsel for the petitioners submits



that he is not pressing the present interlocutory application and seeks liberty to take recourse of those persons who filed the present I.A. in accordance with law.

3. In the light of the submissions I.A. No.2 of 2024 is dismissed as not pressed.

4. Heard learned counsel for the petitioners and learned counsel for the State.

5. The present writ petition has been filed for commanding the respondents to regularize the services of the petitioners as Gramin Swasthya Rakshak as Fourth Grade Employee of the Department of Health, Government of Bihar. Further relief is for commanding the respondent-authorities to pay wages as per prescribed rate of State Government and if they have proves their status in the service they shall be entitled to get wages accordingly on the ground that the petitioners are working as Gramin Jan Swasthya Rakshak (Voluntary Health Worker/Health Guide) at Primary Health Centre, East Champaran since long.

6. Learned counsel for the petitioners submits that Annexure-10 is fatal for the petitioners as by this letter dated 31.10.2008, the Director-in-Chief Health Services, Bihar, Patna, has issued a letter to all Civil Surgeons-cum-Chief



Medical Officer, to prepare a penal and referred them in the office of District Magistrate for preparation of penal to be appointed on Class-IV posts.

7. Learned counsel for the State submits that much water has flown. This letter has been issued in 2008, but in the year 2023 Rule for employment on Class-IV posts has been notified by the General Administration Department and the said Rule has been named as "बिहार कार्यालय परिचारी / परिचारी (विशिष्ट) (भर्ती एवं सेवा शक्ते) नियमावली, 2023" and, therefore, in the light of the said Rule which has been notified on 22.09.2023 the petitioners' case cannot be considered for regularization but they have liberty to move in accordance with the said notification issued by the General Administration Department No.17975 dated 22.09.2023.

8. In the light of the submissions made, no relief could be granted to the petitioners. This writ petition is disposed off directing the petitioners to avail the remedy in the light of notification No.17975 dated 22.09.2023.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2024
Transmission Date	NA

