

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14451 of 2021

1. Priya Daughter of Mukesh Thakur Resident of Thakur Sadan, Bhabha Nagar Colony, Bhagwanpur, P.S. - Sadar, District- Muzaffarpur.
2. Sweta Kumari Daughter of Devchandra Kumar Resident of - Kanhauli Vishundatta, P.S. - Mushahari, District- Muzaffarpur.
3. Mani Daughter of Vinod Kumar Resident of mohalla - House no. 3/47, Swami Sahajanand Colony, Bhagwanpur, P.S. - Sadar, District- Muzaffarpur.
4. Shritika Kumari Daughter of Vinod Kumar Resident of Mohalla - House no. 3/47, Swami Sahajanand Colony, Bhagwanpur, P.S. - Sadar, District- Muzaffarpur.
5. Adarsh Ranjan Son of Navin Kumar Resident of Village - Raja Pakar, P.S. - Sakra, District- Muzaffarpur.
6. Rajesh Kumar Son of Arun Kumar Singh Resident of Mohalla - Bhawani Nagar, Road no. - 1, near Hanuman Mandir, P.S. - Sadar, District- Muzaffarpur.
7. Sumita Kumari Wife of Randhir Choudhary Resident of Village - Bahilwara Bhual, P.S. - Saraiya, District- Muzaffarpur.
8. Pritilata Kumari Daughter of mani Bhushan Kumar Resident of Village - Kalwari Dhamauli Ramnath, P.O. - Kalwari, P.S. - Kanti, District- Muzaffarpur.
9. Babita Kumari Daughter of Shashibhushan Choudhary Resident of - Kanti, Tiwari Tola, Ward no. - 10, P.S. - Kanti, District- Muzaffarpur.
10. Divyakala Kumari Wife of Sanjiv Kumar Resident of Village - Rajapakar, P.S. - Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Director ibn - Chief, Health Service, Bihar, Patna.
4. The Bihar State Health Society through its Executive Director, State Health Society, Bihar, Patna.
5. The Executive Director, State Health Society, Bihar, Patna.
6. The District Magistrate, Muzaffarpur.
7. Chief Medical Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Yugal Kishore, Adv.
For the Respondent/s	:	Mr.Pankaj Kumar, SC-12
		Mr.Kamlesh Kishore, AC to SC-12



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.i. For issuance of a writ in the nature of certiorari or any other appropriate writ/ order or direction for quashing the part of advertisement no.- 05/2021 with respect to appointment of Auxiliary Nurse midwife (herein after referred to as ANM) (Annex- 1) on contractual basis by which maximum age limit has been fixed as on 01/06/2021 and further the petitioners pray for issuance of a direction to fix the maximum age limit as proportionate to the age as fixed in last advertisement published in the year 2016.

ii. For issuance of a writ in the nature of Certiorari or any other appropriate writ/ order or direction for quashing memo no.- 11/ Maha.(vividh) 16/2021-551 (11), Patna, dated 19/06/2021 issued under signature of respondent no.- 5, (Annex- 2) by which the

a.) petitioner no.- 1 to 4 who were appointed as data operator during Covid -19 epidemic,

b.) petitioner no.- 5 & 6 who have been appointed as ward boy during Covid -19 epidemic, and

c.) petitioner no.- 7 to 10 have appointed as ANM during Covid -19 epidemic have been terminated from their service without any show cause or notice as well as ignoring the fact that during Covid -19,



they have appointed during emergency period and they have discharged their duty in such an epidemic period with full honesty with any latches.

iii. For issuance of a writ in the nature of Certiorari or any other appropriate writ/ order or direction for quashing memo no.- 3632, Muz, dated 17/06/2021 (annex-5) by which without any show cause or notice, the service of the petitioners have ended on the ground that there is no more need to take service of covid warriors staff, who have been appointed during pick of covid -19 period and doing the same the respondents have not considered the fact that the petitioners have appointed by district level authority under the guidance of the state govt. And the petitioners have gave their valuable service in such a distress condition without thinking about the safety of their life.

iv. For issuance of a writ in the nature of Mandamus or any other appropriate writ/ order or direction to the respondent authority to adjust the petitioner no. 7 to 10 as ANM in the light of advertisement published vide advertisement no.- 05/2021, as the petitioner n.- 7 to 10 are trained ANM and have already gave their service during such an epidemic period and as such there is no need to remove such a qualified working staff and again re-appoint a fresh candidate for such post.

v. For issuance of a writ in the nature of Mandamus or any other appropriate writ/ order or direction to the respondent authority to adjust/ re-instate



petitioner no.- 1 to 6 on their respective post as they have already given their services during epidemic period to the satisfaction of the respondent authority and the way by which they have been removed, the petitioners bright future come under cloud of darkness.”

2. At the outset, the learned counsel for the petitioners seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioners to approach the respondent-authorities for redressal of their aforesaid grievances. Liberty so sought is granted.

3. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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