

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.402 of 2023

In

Civil Writ Jurisdiction Case No.11098 of 2018

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1. Bharat Lal Mandal Son of Late Ramakant Mandal Resident of Village and Post Office Ghat Chikani, Police Station Kursakanta, District-Araria.
 2. Shambhu Nath Malakar, Son of Dharma Nand Malakar Resident of village Kaparphora, Post Office Mehadipur, Police Station- Kursakanta District-Araria.
 3. Ashok Kumar Biswas, Son of Shugan Lal Biswas Resident of Village-Bharatipur, Post Office Kursakant, Police Station Kursakanta, District-Araria.
 4. Subod Kumar Das, Son of Late Dwarika Nath Das Resident of Village Simmuwa, Post Office Kursakanta, Police Station- Kursakanta District-Araria.
 5. Umesh Chandra Gupta, Son of Late Kameshar Prasad Gupt Resident of Village and Post Office Kursakanta, Police Station Kursakanta, District-Araria.
 6. Rajdeo Prasad Singh, Son of Late Uchit Lal Singh Resident of Village Gosnagar, Post Office Pohunsi, Police Station Kursakanta, District Araria.
 7. Bhola Prasad Mandal, Son of Rameshwar Mandal Resident of Village and Post Office Bararaha, Police Station Sonamani Godam, District- Araria.
 8. Vijay Kumar Bhartee, Son of Anandi Prasad Gupta Resident of Village-Tegachhia, Post Office Pategana, Police Station Tarabari, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramesh Kumar Singh, Advocate
For the Respondent/s : Mr. S.D. Yadav, AAG-9
Mr. Anil Kumar Verma, AC to AAG-9

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT



(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 28-04-2025

Re.: I.A. No. 1 of 2025

The learned counsel for the appellants presses the afore-noted interlocutory application for condoning the delay of 190 days in preferring this appeal.

2. For the reasons stated in the application, the delay of 190 days in preferring this appeal is condoned.

3. I.A. No. 1 of 2025 stands allowed.

Re.: L.P.A. No. 402 of 2023

4. We have heard the learned counsel for the parties.

5. The appellants had approached the Court through a couple of writ petitions seeking extension of their services/regularization on the post of Jan Swasthya Rakshaks. Under a centrally sponsored scheme, viz., Village Health Guide Scheme, the appellants volunteered their services on a stipend of Rs.50/- per month only.

6. The Scheme was stopped from 2016



onwards. It is the claim of the State that no work was taken from the appellants in any capacity whatsoever.

7. Some of such Swasthya Rakshaks, like the appellants, had come up before this Court in C.W.J.C. No. 2169 of 2001, seeking minimum wages for their services, or in the alternative, for their regularization, but they were directed to approach the State Government, if so advised.

8. While rejecting the writ petition, preferred by the appellants herein, the learned Single Judge rightly observed that the earlier writ petition by some of the volunteer was filed before the scheme was closed and, therefore, any observation made in their favour, would not be applicable in the case of the appellants.

9. After so many years of the Scheme having been closed and no work having been taken from the appellants in any capacity, coupled with the fact that the appellants had themselves volunteered for serving as Swasthya Rakshaks, which was, perhaps a *pro bono*



work, there would be no question of either extension of their services or for any direction for regularization of their services.

10. The writ petition, therefore, was rightly dismissed and we have no reasons to interfere.

11. The appeal, being without merits, is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

manoj/krishna-

AFR/NAFR	NAFR
CAV DATE	NA
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