

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4042 of 2025

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Ranjan Kumari, Wife of Sachin Kumar, Resident of Village- Akonma, Ward No.2, P.O.- Bhatwan, P.S- Hasanpur, Dist- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Deptt., Patna.
2. The Director, Health Deptt., Govt. of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Civil Surgeon, Samastipur.
5. The Incharge Medical Officer, Primary Health Centre, Hasanpur, Dist- Samastipur.
6. Savita Kumari Wife of Santosh Kumar Yadav, Resident of Village- Akonma, PO- Bhtwan, P.S- Hasanpur, Dist- Samastipur.
7. Raji Gupta, the Farmer Mukhiya, Gram Panchayat Raj Paridah, Dist- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Advocate
		Mr. Shishir Kumar Shishir, Advocate
For the Respondent/s	:	Mr. Government Pleader (27)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-03-2025 Heard Mr. Binod Kumar Sinha, learned Advocate for the petitioner and Mr. Hari Mohan Mishra, learned Advocate for the State.

2. The petitioner is aggrieved with the order as contained in memo no. 538 dated 15.07.2024 issued by the Civil Surgeon cum Member Secretary, District Health Society, Samastipur whereby the application of the petitioner preferred pursuant to the order of this Court dated 12.03.2024 in C.W.J.C. No. 16630 of 2022 came to be rejected on the ground of



limitation.

3. Learned Advocate for the petitioner referring to the averments made in the writ petition has contended that the selection of the private respondent no. 6 on the post of Asha worker allegedly took place on 15.07.2021 without there being any Aam Sabha. When this fact has come to the knowledge of the petitioner, she immediately rushed to the office of the Civil Surgeon, Samastipur by filing a detailed representation; however, when no action was taken she moved before this Court in C.W.J.C. No. 16630 of 2022. The writ petition came to be dismissed, with a liberty to the petitioner to approach the respondent authorities for redressal of her subsisting grievance. Pursuant thereto, the petitioner filed a detailed representation before the Civil Surgeon-cum-Chief Medical Officer, Samastipur, but it came to be rejected on the ground of delay, as the complaint with respect to legality of the selection was required to be filed within thirty days from the date of selection.

4. Learned Advocate for the State has contended that apart from the writ petition having been dismissed as withdrawn, the Civil Surgeon-cum-Chief Medical Officer, Samastipur has also clarified the position, inasmuch as, the certificate of the Ward Member, which is the sheet anchor of the



petitioner has been demolished as is evident from the impugned order.

5. Having heard the learned Advocate for the respective parties and after going through the impugned order, this Court *prima facie* finds that once the issue has been substantially dealt with by the Civil Surgeon-cum-Chief Medical Officer, Samastipur, there was no requirement to reject the application of the petitioner on account of delay, once the liberty was accorded to the petitioner by this Court. On account of the aforesaid reason, this Court finds the impugned order is required to be revisited.

6. The matter stands relegated to the Civil Surgeon-cum-Member Secretary, Dist- Health Society, Samastipur to consider the matter afresh and pass reasoned and speaking order on merits after giving proper opportunity of hearing to the concerned. The aforesaid exercise must be completed preferably within a period of three months from today.

7. The writ petition stands disposed off.

(Harish Kumar, J)

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