

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.199 of 2022

In

Civil Writ Jurisdiction Case No.10775 of 2020

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1. The District Health Society, Patna through its Member Secretary/Civil Surgeon, Patna.
 2. The Civil Surgeon-cum-Member Secretary, District Health Society, Patna.
 3. The Medical Officer In-charge, Primary Health Centre, Athmalola, District-Patna.
 4. The State Health Society, Bihar through its Executive Director Parivar Kalyan Bhawan, Sheikhpura, Patna.
 5. The Executive Director, State Health Society, Bihar, Parivar Kalyan Bhawan, Sheikhpura, Patna.

... .. Appellant/s

Versus

1. Rima Kumari Wife of Ashok Kumar Singh Resident of Mohalla- New Atwarpur, P.S.- Parsa Bazar, District- Patna.
2. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
3. Joint Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Principal Secretary Health Deptt. Govt. of Bihar, Patna.
5. Under Secretary cum Public Information Officer, Health Deptt. Govt. of Bihar.
6. The Director Health Deptt. Govt. of Bihar, Patna.
7. The District Magistrate cum Chairman, District Health Society, Patna.
8. The Medical Officer I/c, Primary Health Centre, Barh, Patna.
9. The Medical Officer I/c, Primary Health Centre, Naubatpur, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kishore Kumar Sinha, Advocate
For the Respondent/s	:	Mr. S.D. Yadav, AAG-9
		Mr. Braj Bhushan Mishra, A.C. to AAG-9

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)

Date : 08-10-2025

Heard Mr. Kishore Kumar Sinha, learned counsel for



the appellants, Mr. Mrityunjay Kumar, learned counsel for respondent No.1 and Mr. S.D. Yadav, learned AAG-09 for the State.

2. The present intra court appeal is directed against the order dated 23.11.2021 passed in CWJC No.10775 of 2020 whereby and whereunder the learned Single Judge has been pleased to dispose of the writ application and directed the appellants to calculate the arrears of pay and disburse to the respondent No.1 with interest @ 06% per annum.

3. Learned counsel for the appellants submits that the State Health Society, Bihar, Patna (appellant) (hereinafter referred to as Society) published an advertisement in daily newspaper, namely, Dainik Jagran on 03.12.2006 for employment/appointment of ANM against the vacant and sanctioned post on contract basis at the fixed remuneration of Rs. 3900/- (Three Thousand Nine Hundred). The respondent No.1 having requisite qualification, had applied against the aforesaid advertisement and after following the due process of selection, the respondent No.1 was selected as per merit-cum-roster. The respondent No.1 was given appointment/employment letter issued vide Letter No.884 dated 18.11.2007 by the Civil Surgeon-cum-Secretary, District



Health Society, Patna. Accordingly, respondent No.1 submitted her joining on 21.11.2007 and the Society time to time enhanced the remuneration of respondent No.1. The respondent No.1 has challenged the legality/validity of letter No.621 dated 16.10.2018 by which the Medical Officer, Incharge, Primary Health Centre, Athmalgola has been pleased to reject the claim of respondent No.1/petitioner with regard to increase in payment of fixed salary. Learned counsel for the appellants submits that the respondent No.1 was engaged/appointed on contract basis for a fixed period on the post of ANM (R) for a fixed honorarium of Rs. 3900/- (Three Thousand Nine Hundred) per month under the National Health Mission Scheme and the same was implemented in the State of Bihar through the Society being its implementing Agency. The State Government had increased the pay scale and accordingly the pay scale of respondent No.1 has also enhanced from time to time and the Medical Officer, Incharge, Primary Health Centre, Athmalgola has rightly rejected the claim of respondent No.1 in accordance with law which suggests that the respondent No.1 being a contractual employee cannot claim at par with the pay scale of the State Government.

4. Learned counsel for respondent No.1 submits that



vide resolution contained in Memo No.27(6) dated 13.01.2010 issued by the Health Department, Government of Bihar, whereby and whereunder the salary of ANM was increased up to Rs.8,000/- and respondent No.1/ petitioner has also received the enhanced fixed salary of Rs.8,000/- (Eight Thousand) per month, and further submits that the fixed salary of ANM was again increased/ enhanced vide memo No.194 (6) dated 03.03.2011 and the enhanced fixed salary i.e. Rs. 11,500/- (Eleven Thousand Five Hundred) and the same was received by respondent No.1/petitioner and the same was also given to those ANM who were employed against the sanctioned post. Thereafter, the State Government issued an order contained in Memo No. 990(4) dated 11.11.2014 whereunder the fixed salary of contractual employee of Health Department were recommended to be enhanced from Rs.11,500/-(Eleven Thousand Five Hundred) to Rs. 15,000/-(Fifteen Thousand) but the respondent No.1/petitioner was not given the same. The moot question for consideration in the present case, is whether the remuneration of NRHM and ANM were always kept at par with each other. It is evident from the aforesaid, that whenever the State Government has increased the fixed remuneration to the ANM the same also increased in respect to case of



respondent No.1. There is no dispute that the nature of job of both the cadres were same. The parity of remuneration/pay scale was maintained between the parties and the same was held by the Hon'ble Apex Court in the case of **State of Punjab & Ors. Vs. Jagjit Singh & Ors.**, reported in (2017)1 SCC 148 where the Hon'ble Supreme Court has held the principle of equal pay for equal work. The learned Single Judge has rightly directed the appellants to calculate the arrears of pay and disburse to respondent No.1/petitioner in light of the aforesaid judgment of the Hon'ble Apex Court the period in question with respect to the remuneration of salary, difference of arrears from 11.11.2014 to 2015.

5. We have heard the parties at length, also perused the material available on the record, which suggests that the authorities have increased the remuneration time to time and the same was also increased in the case of respondent No.1/petitioner and when the remuneration enhanced from Rs. 11,500/-(Eleven Thousand Five Hundred) to Rs. 15,000/-(Fifteen Thousand), the same was denied to the respondent No.1. It is clear from Memo No. 27(6) dated 13.01.2010 that the remuneration of ANM was increased and the same has been given to respondent No.1 and remuneration has increased



from Rs.8000/-(Eight Thousand) to Rs. 11,500/-(Eleven Thousand Five Hundred), the same was also given to respondent No.1 but the reason best known to the appellants, they have not considered when the remuneration enhanced from Rs. 11,500/-(Eleven Thousand Five Hundred) to Rs. 15,000/-(Fifteen Thousand).

6. We find no illegality in the impugned order, hence the order of the learned Single Judge is affirmed. Accordingly, this appeal stands dismissed.

7. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2025
Transmission Date	NA

