

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3826 of 2017

1. Rajbanshi Devi Wife of Shri Satyendra Ram, resident of Mohalla - Isopur, P.S. Hajipur, District - Vaishali
2. Kumari Sandhya, Wife of Shri Binod Gupta, resident of Mohalla - Pokhara, Kachari Road, Ward No. 15, P.S. Town - Hajipur, District - Vaishali
3. Most Lalo Devi, Wife of Late Saryug Ram, resident of village - Lima, P.S. Tisiauli, District - Vaishali
4. Pramila Kumari, Wife of Shri Kameshwar Prasad, resident of Mohalla - Ramjiwan Chowk, Ward No. 10, P.S. Town - Hajipur, District - Vaishali
5. Most Saira Ahmad, Wife of Late Ahmad Hussain, resident of Alamganj, Sakartoli, P.S. Gulzarbagh, District - Patna
6. Nirmal Devi, Wife of Shri Subhash Chandra Prasad, resident of village - Rajaram Rahua, P.S. Musahari, District - Muzaffarpur
7. Urmila Sinha, Wife of Bhola Ram, resident of village - Sahdullahpur, Police Station Jadhua, District - Vaishali
8. Lakshmi Dive, Wife of Shri Dharamdeo Singh, resident of village - Sripalpur, P.S. Pun Pun, District - Patna
9. Subodh Kumari, Wife of Shri Deonandan Prasad, resident of village - Gobindpur, P.S. Bidupur, District - Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Director - in - Chief, Health Services, New Secretariat, Vikash Bhawan, Patna
3. Civil Surgeon - Cum - Chief Medical Officer, Vaishali, Hajipur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Kishore, Sr. Adv. Mr. Ganesh Singh, Adv. Mr. Nazir Ansarai, Adv.
For the Respondent/s	:	Mr. S.D. Yadav-AAG9 Mr. Braj Bhushan Mishra, AC to AAG9

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 24-06-2025 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

2. Learned Counsel for the petitioners submits that the



present writ petition has been filed with the following reliefs:-

(i) For direction against order bearing Memo No. 596 (6) dated 17.11.2014 issued by Director-in-Chief, Health Services, Patna by which the grievances raised by the petitioners have been rejected without going through the observation/finding already given by this Hon'ble Court on 30.11.2012 in C.W.J.C. No. 3177 of 2010.

ii) The petitioners pray for direction on respondents to consider the case of the petitioners to provide the arrears of salary covering the period from 07.09.2006 to 17.01.2008, as the same benefits extended to one Smt. Madhuri Devi by order bearing Memo No. 731 (6) dated 20.06.2008 issued by Director-in-Chief, Health Services, although both the petitioners and said Madhuri Devi are in the same footing.

(iii) For direction on respondents to release the petitioners, interest of @ 3% on their salary from 14.03.2008 till date of reinstatement (27.09.2008), in terms of the direction of the Hon'ble Court in the case of petitioners bearing C.W.J.C. No. 9833/2007 heard with C.W.J.C. No. 15814/2006 disposed on 04.09.2008.

3. Counsel for the petitioners submits that the grievance of the petitioner is exactly similar to the case of Prabha Kumari Vs. the State of Bihar in whose favour Hon'ble Division Bench vide order dated 18.02.2008 passed in LPA



No.901 of 2017 has granted relief. He further submits that a similarly situated person, namely, Madhuri Devi by referring the said LPA, has got relief, and therefore, present petitioners are also entitled for the same relief.

4. Counsel for the State on the other hand opposes the prayer and submits that he has filed counter-affidavit today in the court itself. He further submits that the termination of all the petitioners took place from the different orders in which date may be same, but their memos are different, therefore, the relief as prayed by the petitioners may not be granted.

5. It transpires to this Court that in the year 2011, the State of Bihar has enacted a law *i.e.*, the Bihar State Litigation Policy, 2011 in which the provisions of 4.C(1) states as follows:-

4.C(1). A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/ applicant-employee/ citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.

6. It transpires to this Court that there is a legislative guidelines that the case of similarly situated persons should be



decided similarly.

7. As such, the present writ petition is hereby disposed off directing the petitioners to move before respondent No.2 (Director-in-Chief, Health Services) by filing a representation within 30 days from the date of production of this order and respondent No.2 shall take decision on the same within 90 days thereafter.

8. If it is found that the case of petitioners is exactly similar to Madhuri Devi, who has got relief based on decision of LPA No.901 of 2017 as happened in the case of Prabha Kumari Vs. the State of Bihar, then similar relief shall be granted to the petitioners also within 90 days thereafter.

9. With the aforesaid directions and observations, the present writ application stands disposed off.

(Dr. Anshuman, J.)

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