

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12974 of 2019

1. Ram Sagar Rai Son of Late Tarkeshwar Rai Resident of Syndicate Bank Colony, Buxar, P.S.- Sadar, District- Buxar.
2. Shesh Nath Rai Son of Late Ram Singhashan Rai Resident of Village- Thora, P.S.- Muffasil Buxar, District- Buxar.
3. Sachi Kant Choubey Son of Late Ramanand Choubey Resident of Village- Dalsagar, P.S.- Industrial, District- Buxar.
4. Raghupati Yadav Son of Late Kanhaiya Singh Yadav Resident of Village- Dalsagar, P.S.- Industrial, District- Buxar.
5. Ram Dayal Yadav Son of Late Gouri Yadav Resident of Village- Ahirauli, P.S.- Industrial, District- Buxar.
6. Surendra Prasad Son of Late Gopal Ram Resident of Village- Dalsagar, P.S.- Industrial, District- Buxar.
7. Uma Shankar Choudhary Son of Late Shiv Lakhan Choudhary Resident of Village- Kotwa, Narayanpur, P.S.- Sarai Kota Narayanpur, District- Buxar.
8. Radheshyam Sharma Son of Late Ram Suchit Sharma Resident of Village- Dalsagar, P.S.- Industrial, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
2. Principal Secretary Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
3. The Additional Secretary Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
4. The Deputy Secretary Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
5. The Director Indigenous System of Medicine (Deshi Chikitsa), Government of Bihar, Patna.
6. The Principal Government Dhanwantri Ayurvedic College, Ahirauli, Buxar.
7. The Director General (Ayush) Ayush Directorate, Health Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shiv Kumar, Advocate
For the Respondent/s	:	Mr. Ramadhar Singh, GP-25

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 16-07-2025 Heard the parties.



2. At the outset, learned Advocate for the petitioners seeks permission to make the Director General (Ayush) Ayush Directorate, Health Department, Government of Bihar, Patna as party respondent no.7 in the instant writ petition.

3. Permission is accorded.

4. The petitioners are the non-teaching employees of Dhanwantri Ayurvedic College, Ahirauli, Buxar. The dispute with regard to their appointment, termination and consequent absorption came to be settled after manifold litigation and resultant Notification as contained in Memo No.902 dated 17.10.2007 issued under the signature of Deputy Secretary, Department of Health, Government of Bihar, whereby the services of the petitioners along with others were absorbed w.e.f. 01.06.1986. Notwithstanding the aforesaid fact, the petitioners were not allowed their pensionary benefits and other dues by reckoning the period during which the petitioners remained out of service i.e. from 29.08.2003 to 17.10.2007; hence, the present writ petition.

5. Learned Advocate for the petitioners submitted that the identical issue was raised by one Bishram Ojha, whose service was also dispensed with along with the petitioners and later on his service along with the petitioners was absorbed, has



come up before this Court in C.W.J.C. No.12384 of 2016 for identical reliefs. The afore-noted writ petition came to be disposed off vide judgment dated 27.03.2018, which reads as follows:-

“Accordingly, this Court is persuaded with the argument of Mr. Shiv Kumar, learned counsel appearing for the petitioner to quash paragraph 4 of the order bearing Memo No.1156 dated 17.12.2014 of the Director, Indigenous Medicines impugned at Annexure 5 in the ‘first writ petition’ in so far as it denies the arrears of salary to the petitioner on the principle of ‘no work no pay’ and accordingly issue direction to the Director, Indigenous Medicines, Bihar, Patna and/or the authority concerned to make payment thereof as also for providing him other consequential benefits including his increments, consideration of his case for ACP/MACP benefits as well as other service benefits found admissible, which obligation be discharged within a period of 3 months from the date of receipt/production of a copy of this judgment.”

6. Aggrieved with the order passed by the learned Single Judge, the State and its authorities, preferred L.P.A. Nos.1211 of 2018 and L.P.A. No.1210 of 2018. The order of the learned Single Judge was duly affirmed by the learned Division



Bench; granting the writ-petitioners entire back wages on reinstatement, including benefit of annual increments and ACP/MACP wherever and whenever the writ-petitioners were so entitled. Both the appeals came to be dismissed on merit(s).

7. Mr. Shiv Kumar, learned Advocate for the petitioners contended that on the strength of the order of the learned Single Judge duly affirmed by the learned Division Bench of this Court, as afore-noted, identically situated persons have approached this Court in C.W.J.C. No.6720 of 2011 and further in C.W.J.C. No. 15084 of 2012, whose writ petitions have also been disposed off in terms of the order passed in C.W.J.C. No.12384 of 2016 as also the decision rendered by the learned Division Bench in L.P.A. Nos.1211 of 2018 and L.P.A. No.1210 of 2018, in the light of the Bihar State Litigation Policy, 2011, especially Clause 4.C(1) thereof.

8. Referring to the facts, afore-noted, learned Advocate for the petitioners further contended that pursuant to the direction of this Court, identically situated persons like the petitioners have been extended admissible relief(s) by the concerned authority, the copy of which has also been placed on record as Annexure-11 to the rejoinder to the counter affidavit.

9. Mr. Ramadhar Singh, learned Government Pleader,



however, refuted the contention of the petitioners in the light of the averments made in the counter affidavit, which came to be filed in the year 2020.

10. Before parting with the case, it would be pertinent to observe that after filing of the counter affidavit, now much water has been flowed under the river Ganga; the decision rendered by the learned Single Judge in identical matter [C.W.J.C. No.12384 of 2016] has been duly affirmed by the learned Division Bench of this Court in L.P.A. Nos.1211 of 2018 and L.P.A. No.1210 of 2018.

11. Since the claim of the petitioners is based on parity; hence, this Court deems it fit and proper to dispose off the writ petition with a direction to the newly added respondent no.7, the Director General (Ayush) Ayush Directorate, Health Department, Government of Bihar, Patna to consider the claim of the petitioners in terms with the order passed in C.W.J.C. No.12384 of 2016 as also the decision rendered in L.P.A. Nos.1211 of 2018 and L.P.A. No.1210 of 2018, in the light of the Bihar State Litigation Policy, 2011, especially Clause 4.C(1) thereof, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

12. Suffice it to observe that if the claim of the



petitioners finds identical to Bishram Ojha and others, whose cases have been taken note of, hereinabove, identical relief(s) be extended in favour of the petitioners within the stipulated period.

13. The writ petition stands disposed off.

(Harish Kumar, J)

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