

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18032 of 2024

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1. Bithika Biswas daughter of Kali Mohan Biswas Resident of Mohalla-Barah Pathar Kashipur, P.S. Samastipur, District Samastipur, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
 2. Amita Kumari, wife of Subodh Kumar, Resident of P.M.C.H., Ashok Rajpath, Arya Kumar Road, P.S. Pirbahore, District Patna, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
 3. Gouri Kumari, daughter of Madan Singh, Resident of 220, Near Hill, Kalpanapuri Colony, Adityapur, P.S. Seraikela, District - Kharsawan (Jharkhand), presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
 4. Pinki Kumari, daughter of Late Mangal Ram, Resident of 096, C/O Jitendra Kumar, Navjyoti Hotel, Mahendru, P.O. Mahendru, P.S. Pirbahore, District Patna, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
 5. Nazrana Warsi, wife of Mohammad Shahnwaz Alam, Resident of near Imambara, Khasganj, Ward No.7, Bihsarsharif, P.S. Sohasarai, District Nalanda at Biharsharif, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
 6. Rina Kumari, wife of Arvind Kumar Singh, Resident of 308G, Vachaspati Nagar, Sant Path Kumharar, Near Kumharar Railway Gumati, P.S. Bahadurpur, District - Patna, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
 7. Mintu Kumari, wife of Anil Kumar Mehta, Resident of village Jagdishpur Tiwari, P.S. Nursarai, District Nalanda at Biharsharif, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
 8. Sabita Kumari, wife of Late Arun Kumar Verma, Resident of House No.104, Pakri Guriya, P.S. Imamganj, District Gaya, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
 9. Aruna Kumari, wife of Shobha Kumar, Resident of village- Gajipur, P.O. Adei, District - Gaya, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
 10. Sarita Kumari, wife of Raja Ram Mahto, Resident of village, P.O. and P.S. Pandarak, District - Patna, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
 11. Vandana Kumari, wife of Sanjay Kumar, Resident of village- Mittan Chak, P.O. and P.S. Danapur, District Patna, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
 12. Savitri Kumari, wife of Arvind Kumar, Resident of village and P.O. Bhuswar, District Samastipur, presently posted as General Nurse



Midwifery Grade-A, Patna Medical College and Hospital, Patna.

13. Sumitra Kumari, wife of Shashi Kumari, Resident of village- Narhi Chandi, P.O. and P.S. Chandi, District Bhojpur at Ara, presently posted as General Nurse Midwifery Grade-A, Patna Medical College and Hospital Patna.
14. Nirmala Kumari, wife of Akhilesh Kumar, Resident of Mohalla- Langar Toli Gali, Bangali Akhara, P.S. Kadamkuan, District - Patna, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
15. Renu Kumari, wife of Akhilesh Sharma, Resident of Naili Road, Behind Devi Asthan Marnpur, P.O. and P.S. Chandchoura, District - Gaya, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
16. Kamini Kumari, wife of Gopesh Singh, Resident of A-302, Ram Raj Mahal Apartment, near Bansghat, Kali Mandir, North Mandiri, P.O.- G.P.O., P.S. Budha Colony, District Patna, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
17. Mandavi Kumari, wife of Ram Babu Thakur, Resident of Ward No.5, Near Shiv Mandir Kolhanta Patori (Ram Tol), P.S. Darbhanga, District Darbhanga, presently posted as General Nurse Midwifery Grade-A, Patna Medical College and Hospital, Patna.
18. Mamta Kumari, wife of Ashok Kumar, Resident of 2L/38, Bhootnath Road, Bahadurpur Housing Colony, P.S. Agamkuan, District Patna, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
19. Sulekha Kumari, wife of Bechan Prasad, Resident of village- Mehtama, P.O. Bhathar, District - Nalanda at Biharsharif, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
20. Priya Dey, daughter of Tarkeshwar Dey, Resident of House No.TF/55, Gomiya Tenughat-3, VTC, P.S. Sarhachiya, District Hazaribagh (Jharkhand), presently posted as General Nurse Midwifery Grade-A, Patna Medical College and Hospital, Patna.
21. Kumari Nira Sinha, wife of Krishna Kant Sharma, Resident of L.I.G., 199, B.H. Colony Bhootnath Road, P.S. Agamkuan, District - Patna, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
22. Suko Kumari, wife of Madan Murari Rajak, Resident of village, P.O. and P.S. Abhaypur, District Lakhisarai, presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
23. Punam Kumari, daughter of Kameshwar Prasad, Resident of Middle School Ke Piche Mushallahpur, P.S. Kadamkuan, District Patna presently posted as General Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.
24. Rekha Kumari, wife of Sudhir Prasad, Resident of village - Walipur, P.O. and P.S. Hulasganj , District Jehanabad, presently posted as General



Nurse Midwifery, Grade-A, Patna Medical College and Hospital, Patna.

... .. Petitioner/s

Versus

- 1. The State of Bihar through the Additional Chief Secretary, Department of Health, Government of Bihar, Patna.
- 2. The Deputy Secretary, Department of Health, Government of Bihar, Patna.
- 3. The Director-in-Chief, Health Services, Bihar, Patna.
- 4. The Director-in-Chief (Nursing), Directorate of Health Services, Government of Bihar, Patna.
- 5. The Superintendent, Patna Medical College and Hospital, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Adv.
For the Respondent/s: Mr. Advocate General (3)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 08-01-2025 Heard learned counsel for the petitioners as well
as learned counsel appearing for the respondents-State.

2. This petition has been preferred by the
petitioners seeking following reliefs;

“(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to consider the petitioners’ case from their promotion to the post of Ward Sister/Nursing Sister in the pay-scale prescribed for the post i.e. Pay Level-8 on the ground that if the Respondents have considered the cases of other similarly situated General Nurse Midwifery Grade-A and Staff Nurse Grade-A for their temporary officiating charge of the post but with prescribed pay-scale, the petitioners are also entitled to be considered for such promotion with effect from the same date when they have



considered the case of juniors to the petitioners without considering the case of the petitioners, who were admittedly senior to them.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for grant of benefit of pay-scale and the post for all future benefits to the petitioners also with effect from the date since when the Respondents have given the post and pay-scale to other General Nurse Midwifery ignoring the cases of the petitioners.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners would be found entitled under the facts and circumstances of the case.”

2. It is submitted by the learned counsel for the petitioners that all the petitioners herein have been appointed on the post of General Nurse Midwifery on the date mentioned in paragraph-4 of the writ petition. It is further submitted that the similarly situated other General Nurse Midwifery, who were appointed subsequently, were granted the benefit of promotion but till today, the petitioners have not been provided any promotion. According to the counsel for the petitioners, on the ground of parity, these petitioners are also entitled to get the benefit of promotion, however, still claim of the petitioners has not been accepted by the respondents/competent authority.



3. Considering the submission put-forth by the learned counsel for the petitioners, it would be appropriate to dispose of the petition directing the petitioners to make a representation before the concerned respondent/competent authority raising all the grounds which they raised in this writ petition within a period of three weeks from today and in turn, the concerned authority shall consider and decide the representation of the petitioners as early as possible preferable within a period of sixty days from the date of submission of such representation in accordance with the relevant Rules and law.

4. Accordingly, the present writ petition is disposed of.

(Arvind Singh Chandel , J)

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