

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.391 of 2025

In

Civil Writ Jurisdiction Case No.1989 of 2023

-
1. Anil Kumar Sharma Son of Sri Janeshwar Sharma, Resident of Village-Kareya, P.O. and P.S.-Panchanpur, District-Gaya, PIN-824236
 2. Surendra Prasad Son of Late Ram Lakhan Prasad @ Late Ram Lakhan Sao Resident of Village-Saichak, Shivaajee Colony, Anishabad (Beur), P.S.-Beur, District-Patna-800002.
 3. Ramekwal Prasad Son of Sri Chandeshwar Sao Resident of Village-Deoramkichak, Marchi Mirchi, P.S.-Begampur, District-Patna-800009.
 4. Vidya Sagar Prasad Son of Late Ramchandra Prasad Resident of Village-Vishanpur, Chandrapura, P.S.-Desari, District-Vaishali.
 5. Ram Bhawan Paswan, Son of Late Devnarayan Paswan Resident of Beur, Jail Road, Saichak, Anishabad, P.S.-Beur, District-Patna-800002.
 6. Rajnandan Saw @ Rajnandan Sao Son of Late Ram Kishun Saw @ Ram Kishun Sao Resident of Village-Khuragechak (Neora), Anda, P.S.-Phulwarisharif, District-Patna-801113.
 7. Madan Prasad Son of Sri Suraj Mahto Resident of Village-Maghauli, Neora, P.S.-Phulwarisharif, District-Patna-801113.
 8. Prem Paswan Son of Late Nand Lal Paswan Resident of Village-Saichak, Beur, Anishabad, P.S.-Beur, District-Patna-800002.
 9. Chunni Lal Thakur @ Chunnilal Son of Late Parmeshwar Thakur Resident of Village-Saichak, P.S.-Beur, District-Patna-800002.

... .. Petitioner/s

Versus

1. The state of Bihar through Shri Pratyaya Amrit, Son of not known, the Principal Secretary, Health Department, Government of Bihar, Patna.
2. Shri Sanjay Kumar Singh Son of not known, the Commissioner-cum-Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. Shri Rajesh Kumar, Son of not known, the Deputy Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
4. Dr. Pranav Raj Sharan Sinha Son of not known, the Director-in-Chief, Disease Control Public Health Paramedical, Health Services, Government of Bihar, Patna.
5. The Chief Malaria Officer, Son of not known Bihar, Patna
6. Shri Chandrashekhar Singh Son of not known, the District Magistrate-cum-Collector, Patna.
7. Dr. Avinash Prasad Singh Son of not known, the Civil Surgeon-cum-Chief Medical Officer, Patna.
8. Shri Subhash Prasad Son of not known, the District Malaria Officer, Sultanganj, Patna.



... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shweta Anand, Advocate
For the Opposite Party/s : Mr. S.D. Yadav, AAG-9
Mr. Anil Kumar Verma, AC to AAG-9
Director In Chief, Health
Department, Bihar, Patna : Dr. Pranay Raj Sharan Sinha, Personal Appearance

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 01-05-2026 In the instant contempt application as per the direction of this Court, the Director-in-Chief, Health Services, Bihar is physically present in Court today. The Department has also filed a supplementary show-cause.

2. This Court has been apprised by the Director-in-Chief, Health Services about the real issue. It is ascertained that out of 9 writ petitioners, the regularization has been made in favour of 4 persons on the basis of the Resolution dated 16th March 2006. So far as 5 remaining writ petitioners, they could not be regularized because of the fact that they have already attained the age of superannuation.

3. The learned Advocate on behalf of the writ petitioners, on the other hand, refers to paragraph 13 of the Resolution dated 16th March 2006. She has also pointed out the averments made by the opposite parties in the paragraph nos. 6 and 7 of the show-cause dated 18th April 2026. It is contended by her that if regularization was accepted as a matter of policy



by virtue of Resolution dated 16th March 2006 even if some of the petitioners have attend the age of superannuation, they were entitled to be regularized from the date of their Resolution and also monetary benefit ought to be awarded to them till the date of their superannuation.

4. This Court is afraid if such proposition is accepted, a post may be vacant on a particular date, such post may be filled up after the expiry of three or four years due to executive laches by way of regularization or promotion, as the case may be. However, due to such laches, the person who has been deprived of promotion or absorption to the said post cannot claim any financial benefit. Therefore, the said action cannot be questioned in the instant case.

5. Considering the supplementary show-cause filed by the Department today, the instant contempt application is disposed of. The presence of Director-in-Chief, Health Services, is beneficial to the Court to dispose of the instant contempt application. He is not at liberty to leave the Court.

(Bibek Chaudhuri, J)

suraj/-

U			
---	--	--	--

