

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8043 of 2026

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1. Baijanti Kumari wife of Rajesh Das, R/o village-Chouriya P.S-Barachatti P.S-Barachhati District-Gaya.
 2. Anita Kumari, Wife of Sikander Kumar Bharti, R/o village-Bara Barachatti, P.S-Barachhati, District-Gaya.
 3. Nirmala Kumari, Wife of Inderdeo Das, R/o village-Jhajha P.O-Dawaniya, P.S- Barachhati District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Health Department, Govt. of Bihar Patna.
2. The Civil Surgeon Gaya, District Gaya, Bihar.
3. The Medical Officer, Barachatti, Dist Gaya.
4. The Incharge Medical Officer, Barahatti, Gaya.
5. The Health Manager, Barachatti, District Gaya Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar No.4, Advocate
For the Respondent/s	:	Mr. Birju Prasad, G.P- 13
		Mrs. Shweta Anand, A.C to G.P-13

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 22-06-2026

Heard learned counsel for the petitioners and learned
counsel for the state.

2. The present writ petition has been filed by the
petitioners with the following reliefs:

*“(i) That the writ
application is being filed in the nature
of mandamus or any appropriate writ*



whereunder the above mentioned respondents Nos. 4 and 5 are illegally appointing the Mamta workers without any advertisement or without any government direction or policy and further petitioners are praying to remove the Mamta workers who were illegally appointed by the respondents.

(ii) That further to pray to direct the competent authority to lodge criminal case against illegal employees Mamta workers and also to appointing authority who has wrongly appointed to Mamta workers after taking mighty maturation and did the act which is forbidden her law.”

3. Learned counsel for the petitioners submits that petitioners are working as Mamta worker and on the instruction of petitioners a legal notice was sent to Health Secretary against the protest that illegal appointment of Mamta workers is going on. Counsel submits that the petitioners have approached to the Civil Surgeon, Gaya, narrating all the facts and, thereafter, the Civil Surgeon issued a letter to all Medical Officers for not doing the same. But, according to the petitioners, still the illegal appointments are being made. Learned counsel for the petitioners further submits that thereafter the petitioners have



sent a representation to the Health Secretary, Government of Bihar in this matter, but when no action has been taken then the petitioners have no option but to move before this Court.

4. Learned counsel for the State, on the other hand, submits that petition is premature. There is nothing on record on the basis of which it can be said that any appointment has been made as no name has been mentioned in this regard and petitioners have adopted an apriori approach and moved before this Hon'ble Court.

5. After hearing the parties, it transpires to this Court that contention of the respondent is correct, but on the other hand, this Court is also of the opinion that if the grievances of the petitioners are correct in that view of the matter subsequently huge problems shall be started in the Health Department.

6. As such, the Health Secretary is hereby directed to take appropriate step on the representation of the petitioners (Annexure- P/1) by setting up an enquiry through competent officer. If it has been found that the complaint is correct then appropriate step be taken, but if it has been found that complaint is not correct and frivolous representation has been filed by the petitioners then action be taken against the petitioners also.



7. With the aforesaid observation and direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	

