

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10820 of 2026

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1. Md. Ayab Alam son of late Motiur Rahaman, resident of Adarsh Nagar Ward No. 7 Madhepura PS Madhepura Dist. Madhepura presently posted as jeep driver in the office of Additional Chief Medical Officer Madhepura.
 2. Md. Hasim, son of Md. Shamshuddin, resident of Adarsh Nagar Ward No. 7 Madhepura PS Madhepura Dist. Madhepura presently posted as jeep driver at Muraliganj Primary Health Centre in the district of Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Dept. of Health, Govt. of Bihar Patna.
2. The Director in Chief Dept. of Health Govt. of Bihar, Patna.
3. The Civil Surgeon cum Chief Medical Officer, Madhepura.
4. The Additional Chief Medical Officer (ACMO), Madhepura.
5. The Incharge Primary Health Centre Muraliganj, Madhepura.
6. The District Provident Officer, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Respondent/s	:	Mr.Government Pleader (17)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 23-07-2026

Initially, learned counsel for the petitioners seeks permission of this Court to correct the name of petitioner No. 1 in the cause title from "Md. Yaub Alam" to "Md. Ayab Alam", as the same has been inadvertently and incorrectly mentioned.

2. Permission accorded.

3. Learned counsel for the petitioners shall carry out the necessary correction in the course of the day.

4. The Registry is directed to make the corresponding correction in the soft copy of the writ petition.

5. Heard counsel for the petitioners and learned



counsel for the State.

6. The present writ petition has been filed for the following relief/s :-

“(i) To grant the benefits of old pension scheme in place of contributory pension plan (New Pension Scheme) to the petitioner.

(ii) To accept the joining of petitioner on the post of driver with effect from 26.10.2004 the date on which candidates below in the merit list has been appointed and to grant all the notional and monetary benefits of continuous service after fixing the seniority as per the merit list.

(iii) To give similar treatment to the petitioner which was given to the petitioners of CWJC No. 20654/2010 (Raj Narayan & Oths Vs. The State of Bihar & Oths) since case of the petitioner is squarely covered by the judgement rendered in the case of Raj Narayan and Oths.)”

7. Learned counsel appearing for the State has raised a preliminary objection that the present writ petition seeks issuance of a writ of mandamus, although the petitioner has not submitted any representation before the competent authority for redressal of the grievance. Therefore, in the absence of any prior demand and refusal, the writ petition is not maintainable.



8. In response thereof, learned counsel for the petitioners submits that for redressal of grievance, the petitioners had filed representation before the competent authority, but the copy of the representation, he could not attache with the writ petition.

9. In the aforesaid background, the petitioner is directed to file a fresh representation before respondent No. 4, namely, The Additional Chief Medical Officer (ACMO), Madhepura, along with a copy of this order, within 30 days from today, raising all the points as raised in the present writ petition. Upon receipt of the representation, the The Additional Chief Medical Officer (ACMO), Madhepura, is directed to take a decision on the said representation within 90 days from the date of its filing, with a reasoned and speaking order.

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

(Dr. Anshuman, J)

Manshi/Ashwini

AFR/NAFR	
CAV DATE	NA
Uploading Date	24/07/2026
Transmission Date	NA

