

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17654 of 2024

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Kishor Kumar Jha S/o Lutan Jha Resident of Ward No.-4, P.S.- Andhratharhi,
District- Madhubani, Presently posted as Male Family Welfare Worker,
Primary Health Center, Andhratharhi, Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Health Department,
Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Govt. of Bihar, Patna.
3. The Director-in-Chief (Administration), Health Services, Govt. Of Bihar,
Patna.
4. The Regional Deputy Director, Health Services, Darbhanga Division,
Darbhanga.
5. The Civil Surgeon, Madhubani, District- Madhubani.
6. The Incharge Medical Officer, Primary Health Center, Andhratharhi,
Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mr. Vivek Pd. (GP-7)
		Ms. Manisha Singh (AC to GP-7)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-02-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been with the
following relief/s:-

*“I. For issuance of an appropriate writ in the
nature of certiorari for quashing the part of
Memo No. 2595 dated 03.10.2024 with respect
to the petitioner by which benefit of ACP
granted to the petitioner has been cancelled
and further a direction has been given to
recover the paid amount on account of grant of*



ACP w.e.f. 09.08.1999, giving the reason that there was break in service from 10.02.1998 to 08.05.2012, the fact is that the termination letter has been quashed, by the Hon'ble High Court and subsequently by One Man Committee, then as per Bihar Service Code and law laid down by the Hon'ble High Court the reinstatement in service will take place from date of termination with consequential benefit.

II. For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondents to pay the salary in view of law laid down by the Hon'ble Division Bench in L.P.A. No. 1078 of 2015, judgment dated 11.09.2018 for the period of 10.02.1998 to 08.05.2012 by which similar matter has been decided as out of 34 employees contained in memo No. 709(4) dated 04.05.2012 issued by the Director in Chief, Health Services, most of them have been paid.

III. For issuance of any other appropriate writ/writs, order/orders, direction/ directions for which the writ petitioner shall be found entitled under the fact and circumstances of the case.”

3. Learned counsel for the petitioner submits that his case is squarely covered in the light of judgment passed by the



Hon'ble Division Bench of this Court, dated 11.09.2018 in L.P.A. No. 1078 of 2015 arising out of C.W.J.C. No. 16148 of 2013 (*Karoo Sao Vs. The State of Bihar & Ors.*). Therefore, counsel submits that in the light of the said judgment, the relief should also be granted to the present petitioner.

4. Learned counsel for the State, on the other hand, submits that, as per the operative part of the judgment passed in L.P.A. No. 1078 of 2015 i.e. para 21, it is crystal clear that the said judgment is applicable only to the petitioner of said L.P.A, and not to the present petitioner.

5. It transpires to this Court that in the year 2011, the state of Bihar has formulated a law namely, Bihar State Litigation Policy, 2011, whose Clause 4.C is very much relevant which states as follows:-

“A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/ applicant-employee/ citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”



6. The aforesaid Clause 4.C of the Bihar State Litigation Policy, 2011 has been framed with obvious reason i.e. to stop the unnecessary litigation in similarly situated matters.

7. In this view of the matter, this Court without entering into the merit or demerit of the case, directs the petitioner to file his representation before the Director-in-Chief (Administration), Health Services, Govt. Of Bihar, Patna (Respondent no.3) within 30 days from today. The Respondent no.3 upon receiving the petitioner's representation, shall pass a reasoned and speaking order on his representation by checking the petitioner's case that whether his case is covered under Clause 4.C of the Bihar State Litigation Policy, 2011 or not. In case, it has been found that the matter of the petitioner is covered under the Clause 4.C of the Bihar State Litigation Policy, 2011, then the Respondent no.3 is directed to grant relief to the petitioner also as like that of petitioner of L.P.A. No. 1078 of 2015 mentioned above, within three months.

8. Accordingly, this writ petition stands disposed off.

(Dr. Anshuman, J)

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