IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.101 of 2025

In

Civil Writ Jurisdiction Case No.1989 of 2023

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1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Commissioner-cum-Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
4. The Director-in-Chief, Disease Control Public Health Paramedical, Health Service, government of Bihar, Patna.
5. The Chief Malaria Officer, Bihar Patna.
6. The District Magistrate-cum-Collector, Patna.
7. The Civil Surgeon-cum-Chief Medical Officer, Patna.
8. The District Malariaa Officer, Sultanganj, Patna.

... ... Appellant/s

Versus

1. Anil Kumr 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 Ramkishun 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. Chuni Lal Thakur @ Chunilal, Son of Late Parmeshwar Thakur, Resident of Village - Saichak, P.S. - Beur, District- Patna - 800002.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Prem Ranjan Kumar, AC to AAG IX
For the Respondent/s : Ms. Shweta Anand, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 30-10-2025

Heard learned counsel for the parties.

2. Following is the relief sought for in the present intra court appeal:-

> *"That the instant memo of appeal is being directed against the order and judgment dated 25.09.2024 passed in CWJC No. 1989 of 2023 by the Hon'ble Single Judge whereby and whereunder the Hon'ble Single Judge has held that the petitioners/respondents are entitled to be absorbed/regularised as Superior Field Workers/Field Workers in the establishment of the Department of Health and Family Welfare, subject to the condition of their seniority in the existing vacancy of the department, within 90 days from the date of communication of this order."*

3. Following is the finding made by the learned Single Judge:

> *"13. Since, the petitioners worked for 240 days during the period of 5 years starting from 1985-1986, their right of absorption/regularization has been crystallized by virtue of the resolution of the State Government dated 16.03.2006. When the right of the petitioners for regularization has been settled by a 2006 Resolution, the same cannot be denied by a subsequent decision of the General Administrative Department taken in the year 2022. Moreover, I have already come to the conclusion that the reasoned order passed on 30.08.2022 on the basis of the decision in C.W.J.C. No.5538 of 2020 completely misinterpreted and misconstrued the resolution dated 16.03.2006. Thus, the*

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said resolution cannot stand.

14. In view of what has been stated above, this Court finds that the petitioners are entitled to be absorbed/ regularized as Superior Field Workers/Field Workers in the establishment of the Department of Health and Family Welfare, subject to the condition of their seniority in the existing vacancy of the department, within 90 days from the date of communication of this order"

4. Upon perusal of records of the case, we find that there is no sufficient material available on record to substantiate the grounds of the present appeal. Therefore, in our view, the appellant has been unable to dislodge the findings of the learned Single Judge.

5. Thus, considering the submissions advanced on behalf of the parties and the observations and findings of the learned Single Judge, we find no infirmity in the order.

6. The present appeal is accordingly dismissed.

7. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.11.2025
Transmission Date	

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