

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 2210 of 2023

Lalit Kumar and others Petitioners

Versus

The State of Jharkhand and another Respondents

**CORAM: SRI SANJAYA KUMAR MISHRA, C.J.
SRI ANANDA SEN, J.**

For the Petitioners: Mr. Manoj Tandon, Advocate

For the Respondents: Mr. Niraj Kumar Mishra, A.C. to G.P.-IV

03/Dated: 31.07.2023

Having heard the learned counsel appearing for the petitioners, we are of the opinion that there is no appropriate pleading to declare Appendix-1 appended to the Jharkhand Health Educator Care (Appointment, Promotion and other conditions of service) Rules, 2012, to be *ultra vires* of Section 14 of the Constitution of India.

It is seen that the petitioners are praying that the respondents be directed to fix and pay the scale of Health Educator as Rs.53100/-, Rs.67700 and Rs.87,800/- respectively, on grant of 1st, 2nd and 3rd promotion exactly similar as that of Circle Inspector-cum-Kanoongo in such basic pay scale. In other words, the petitioners want a declaration that the work discharged by the petitioners is akin to Circle Inspector-cum-Kanoongo and, therefore, same pay scale should be applicable to them.

We do not find any reason to entertain this writ application by this Bench as the assignment of this Bench, as far as service matters are concerned, is regarding prayer relating to declare a particular rule *ultra vires*.

In that view of the matter, this case may be listed before the appropriate assigned Single Bench and we further declare that the prayer for declaring Appendix-1 appended to the Jharkhand Health Educator Care (Appointment, Promotion and other conditions of service) Rules, 2012 to be *ultra vires* the Constitution of India is hereby rejected. This prayer shall not be entertained by the learned Single Judge.

Registry to take appropriate steps.

(Sanjaya Kumar Mishra, C.J.)

(Ananda Sen, J.)

Manoj/MM