

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12933 of 2015

1. Rajya Pariwahan Karmchari Sang, Bihar/Jharkhand, Registration No. 3317, Head Office, Pariwahan Bhawan, Birchand Patel Path, Patna through its General Secretary Bijay Dhari Kumar S/o Late Sarjug Singh, R/o Mohalla- Kishan Colony, Anishabad, P.S.- Fulwari Sarif, District- Patna

2. Bihar State Transport Workers Union, Registration No. 410, Intak Boring Road, Near Pani Tanki, Patna, through its General Secretary, Suresh Prasad Singh S/o Sri Parash Nath Singh, Darveshpura, P.S. Saksohra, Distt- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Transport, Bishesaraiya Bhawan, Bailey Road, Patna

3. The Principal Secretary, General Administration Department, Old Secretariat, Bihar, Patna

4. The Principal Secretary, Department of Finance, Old Secretariat, Bihar, Patna

5. The Administrator, Bihar State Road Transport Corporation, Pariwahan Bhawan, Birchand Patel Path, Patna

6. Sri Krishankant Choubey S/o Late Damodar Choubey, (Retired A.D.M.), Bihar Administrative Service, Retired July 2008, R/o 45-A, Anandpuri, East Boring Canal Road, Distt- Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Adv.

For the Respondent/s : Mr. N.K.P. Singh, Adv.

Mr. P.K. Verma, Adv.

Mr. Saroj Kr. Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE I. A. ANSARI)

Date: 21-12-2015

Heard Mr. Jai Prakash Verma, learned Counsel, appearing on behalf of the writ petitioners, and Mr. P.K. Verma, learned Additional Advocate General-5, appearing on behalf of the State. Heard also Mr. N.K. P. Singh, learned Counsel, appearing on behalf of the respondent Bihar State Road Transport Corporation.

In the present writ petition, which has been filed in the form of Public Interest Litigation, the grievance is with regard to the appointment of respondent No.6, namely, Sri Krishankant Choubey, on contractual basis, which is, according to the writ petitioners, wholly illegal inasmuch as the appointee, i.e. respondent No.6, is above the age of 65 years.

Appearing, however, on behalf of respondent No.5, Mr. N.K.P Singh, learned Counsel, has submitted that the period of contractual appointment of respondent No.6 will expire on 31.12.2015 and the Bihar State Road Transport Corporation would not extend the tenure of his appointment nor will it appoint anyone else on contractual basis or otherwise if he or she is above the age of 65 years.

In view of the above, we close this writ petition with liberty granted to the petitioners to approach this Court with appropriate application in future, if so advised and/or to take recourse to such provisions of law as may be permissible.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

K.C.jha/-

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