

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3111 of 2014

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1. Bindu Shekhar S/O Shri Kamleshwar Singh Resident Of Village- Mithapur, P.O
Lai, P.S- Mithapur, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Special Secretary, Department Of Disaster Management Government Of
Bihar, Patna.
3. The Additional Secretary, Department Of Disaster Management, Government Of
Bihar, Patna.
4. Mr. Vipin Kumar Rai, The O.S.D.- Cum- Commandant Incharge (S.D.R.F),
Disaster Management Department, Govt. Of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava

For The Respondent/S : Mr. AC to GP 20

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 16-10-2015

Petitioner filed the writ application for a direction upon
the respondents no.2 and 3 to pay him monthly salary from 26.9.2012
because he was one of the selected candidates under the Disaster
Response Force.

The Court directed the respondents to file a counter
affidavit and respond to the assertion made in the writ application.
From what has been pleaded in the counter affidavit as well as
supplementary counter affidavit, it is evident that though the
petitioner went through the process of selection and he was supposed
to be engaged on contractual basis on a fixed remuneration but no
final agreement between the petitioner and the respondents was
entered into because it was discovered that the petitioner had

absolutely no training or experience or degree to do with structural engineering. Merely because he was given a letter conferring his selection and he gave a letter of joining, the relationship and the contract was not complete.

Appointment was not on substantive basis. Such engagement was for a limited purpose and period. Such engagements, therefore, cannot be placed in the same pedestal as that of a regular appointment. No doubt, subsequently on an application of the petitioner himself, which confirms the position indicated above, the committee considered to engage him in another capacity but that by itself is not an indication that work was taken from the petitioner and a right for remuneration was created.

From the evidence and materials on record, the present writ application lacks bona fide. It is basically an effort on the part of the petitioner to beget monetary benefit from the respondents without there being any valid appointment or delivery of service by him under the respondents.

Writ application, therefore, is dismissed being devoid of merit coupled with complete denial of work having been performed by the petitioner. No rebuttal or evidence of non-working has been produced by the petitioner.

(Ajay Kumar Tripathi, J)

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