

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7338 of 2014

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- 1.SANJOY CHOUDHARY SON OF YADU NANDAN CHOUDHARY
RESIDENT OF VILLAGE - KATRA BARADARI, P.S. - BHAGWAN BAZAR,
DISTRICT - SARAN (BIHAR).
 2. BALMIKI PRASAD SON OF KESHAR YADAV RESIDENT OF VILLAGE -
BASAVAN BIGHA, P.O. AND P.S. - BIHAR SHARIF, DISTRICT - NALANDA
(BIHAR).
 3. ANIL KUMAR SON OF SHIV PUJAN PRASAD RESIDENT OF VILLAGE -
TOLE RANGLAL, P.O. - EKMA, P.S. - RASULPUR, DISTRICT - SARAN
(BIHAR).
 4. ANIL KUMAR SON OF RAM CHANDRA CHAUHAN RESIDENT OF
VILLAGE - JODHAN BIGHA, P.O. AND P.S. - DIGHA, DISTRICT -
SHEIKHPURA (BEGUSARAI).
 5. SUJENDRA PRASAD SINGH SON OF PRAYAG SINGH RESIDENT OF
MOHALLAH - SHITALA ASTHAN, TALABPUR, P.O. AND P.S. - ISLAMPUR,
DISTRICT - NALANDA (BIHAR).
 6. VINOD KUMAR SINGH SON OF SURENDRA NARAYAN SINGH
RESIDENT OF VILLAGE - HEMANTPUR, P.O. - MAINPURA, P.S. - ARA
MUFFASIL, DISTRICT - BHOJPUR (BIHAR).
 7. KUNAL ROY SON OF RAMWATAR PRASAD SINGH RESIDENT OF
VILLAGE - SIMA, P.O. AND P.S. - SILAW, DISTRICT - NALANDA (BIHAR).
 8. SANTOSH KUMAR SON OF KAILASH PRASAD RESIDENT OF VILLAGE
- SIGORI, P.O. AND P.S. - SIGORI, P.S. - PATNA (BIHAR).
 9. BIMLESH KUMAR PASWAN SON OF SITARAM PASWAN RESIDENT OF
VILLAGE - DERHGAON, P.O. - DERHGAON, P.S. - DAWATH, DISTRICT -
ROHTAS (BIHAR).
 10. HARI SHANKAR PRAKASH SON OF DAROGA PRASAD RESIDENT OF
MOHALLA- SHYAM CHAK (FRONT OF GANESH TALKIES),P.O. -
CHAPRA, P.S. - BHAGWAN BAZAR, DISTRICT - SARAN (BIHAR).
 11. RANJEET KUMAR SON OF MANCHEET SAH RESIDENT OF VILLAGE
AND P.O. - VSHRI KALA, P.S. - ISUAPUR, DISTRICT - SARAN (BIHAR).
 12. DINESH PRASAD SON OF LATE BASUDEV PRASAD RESIDENT OF
VILLAGE - BAKRI DELHA KHARPURA ROAD, P.O. - R.S. GAYA,
DISTRICT - GAYA (BIHAR).
 13. PRAMOD KUMAR SON OF AMBIKA PRASAD RESIDENT OF
MOHALLAH - MAHARSI MEHISYAM NIKETAN, AMBIKA BIGHA,
VILLAGE - AMBIKA BIGHA, P.O. - AMBIKA BIGHA, DISTRICT - NAWADA
(BIHAR).
 14. MANOJ KUMAR SINGH SON OF SHRI RAM SINGH RESIDENT OF
VILLAGE - BHARKHAR, P.O. - RAGHUNATHPUR, P.S. - BHARMPUR,
DISTRICT - BUXAR (BIHAR).
 15. SUDIP KUMAR SON OF AKHILESHWAR PRASAD RESIDENT OF
VILLAGE - SUGIYA, P.O. - CHARVAVAN, P.O. - SHEKHOPUR SARAI,
DISTRICT - SHEKHPURA (BIHAR).
 16. HARENDRA KUMAR SINGH SON OF LATE RAMREET SINGH
RESIDENT OF VILLAGE - HARPUR, P.O. - HARPUR KARAH, P.S. -
BANIYAPUR, DISTRICT - SARAN (BIHAR).
 17. UMESH KUMAR CHOUDHARY SON OF LATE VIDYA SAGAR
CHOUDHARY RESIDENT OF C/O SRI GULAB CHAND CHOUDHARY,

MOHALLAH - EAST DAHIYAWAN MISSION ROAD, DISTRICT - SARAN (BIHAR).

18. SHARAD KUMAR SON OF MADHUSUDAN SHARMA RESIDENT OF VILLAGE - KORRA, VIA - GHOSI, DISTRICT - JEHANABAD (BIHAR).

19. MANOJ KUMAR RAY SON OF PRABHUNATH RAY RESIDENT OF VILLAGE AND P.O. - AFOUR, P.S. - KHAIRA, DISTRICT - SARAN (BIHAR).

20. SHRI BHAGWAN RAM SON OF SHIV DAYAL RAM RESIDENT OF VILLAGE - MEDHUKA, P.O. - SAHAJITPUR, DISTRICT - SARAN (BIHAR).

21. DHANANJAY KUMAR VERMA SON OF RAM GRIHI VERMA RESIDENT OF VILLAGE - BHUDHAN CHAK, P.O. - DAYA CHAPRA, P.S. - BARIYA, DISTRICT - BALIA (U.P.).

22. AMRENDRA PRASAD SON OF RAM DHANESH SINGH RESIDENT OF VILLAGE - JIVRAKHAN TOLA, P.O. - JIVRAKHAN TOLA, P.S.- MANER, DISTRICT - PATNA (BIHAR).

23. SANJIV KUMAR SON OF RAM NARAYAN SINGH RESIDENT OF VILLAGE AND P.O. - EARAI, P.S. - SHAHJANANPUR, DISTRICT - PATNA (BIHAR).

24. SANTOSH KUMAR SINGH SON OF GOPAL SARAN SINHA RESIDENT OF VILLAGE AND P.O. - BISHUNPUR PAKRI, P.S. - BEUR, DISTRICT - PATNA (BIHAR).

25. BALRAM PRASAD SON OF SIDHESHWAR PRASAD RESIDENT OF VILLAGE - BHAWANI BIGHA, P.O. - APSARH, P.S. - WARSALIGANJ, DISTRICT - NAWADAH (BIHAR).

26. AJAY KUMAR CHOUDHARY SON OF LATE RAMNATH CHOUDHARY RESIDENT OF VILLAGE PURBI DAHIYAWAN MISSION ROAD, CHAPRA, DISTRICT - SARAN (BIHAR).

27. ATUL RANJAN SON OF SHRI MUNISHWAR RESIDENT OF VILLAGE - PACHKHANDA, P.O. - MASHRAK, DISTRICT - SARAN (BIHAR)

28. ANIL KUMAR RAY SON OF LATE RAGHUNATH PRASAD RAY RESIDENT OF VILLAGE - KOREYAN NAYA TOLA, P.O. - KHAIRAH, P.O. - KHAIRAH, DISTRICT - SARAN (BIHAR).

29. SANTOSH KUMAR PRASAD SON OF MURARI PRASAD RESIDENT OF VILLAGE - GANGJARGATH, P.O. - SADHPUR, VIA - KHODAIBAGH, P.S. - KHAIRA, DISTRICT - SARAN (BIHAR).

30. RAJESH KUMAR YADAV SON OF RAJDEO RAI RESIDENT OF VILLAGE AND P.O. - HARPURJAN, VIA - RAJAPATTI, DISTRICT - SARAN (BIHAR).

31. PRADEEP KUMAR SON OF SHIV SHANKAR PRASAD RESIDENT OF VILLAGE - PADMOUL, P.O. - ARNA, DISTRICT - SARAN (BIHAR).

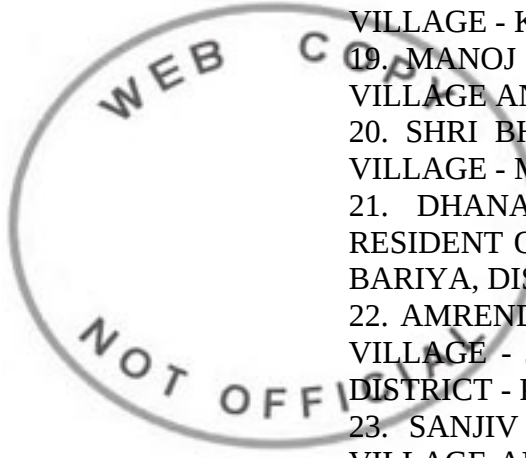
32. KRISHNA PRATAP SINGH SON OF SHRI DHANBIR SINGH RESIDENT OF NEAR THE HOUSE OF NAGEENA SINGH, MOHALLAH - DAHIYAWAN, P.O. - CHAPRA, P.S.- CHAPRA TOWN, DISTRICT - SARAN (BIHAR).

33. ASHUTOSH KUMAR SON OF CHANDI DUTT OJHA RESIDENT OF NORTH OF MUNICIPAL CHOWK, MOHALLAH - DAHIYAWAN TOLA, P.O. - CHAPRA, P.S. - CHAPRA TOWN, DISTRICT - SARAN (BIHAR).

34. RAJESH KUMAR CHOUDHARY SON OF LATE RAM PUJAN CHOUDHARY RESIDENT OF VILLAGE - SADHA DHALA, P.O. - SANDHA, CHAPRA, DISTRICT - SARAN (BIHAR).

35. ABHISHEK AMRITANSHU SON OF LATE BRAHMDEO PRASAD RESIDENT OF NEAR T.O.P. NO. 2 AND 4, P.S. - BHAGWAN BAZAR, DISTRICT - SARAN (BIHAR).

36. NAVIN KUMAR SINGH SON OF KAMLA PATI SINGH RESIDENT OF



VILLAGE - POSTAL COLONY NO. 2, DAHIYAWAN, P.S. - BHAGWAN BAZAR, DISTRICT - SARAN (BIHAR).

37. MADHUSUDAN KUMAR SON OF BALESHWAR SINGH RESIDENT OF VILLAGE AND P.O. - SONAULI, VIA - SADHAWARA, DISTRICT - SARAN (BIHAR).

38. SATYADEO KUMAR YADAV SON OF RAM RATAN YADAV RESIDENT OF VILLAGE - SIKHTIS KHAJA, P.O. - SIKATI BHIKHAM, P.O. - MASHRAKH, DISTRICT - SARAN (BIHAR).

39. SATYADEO SINGH SON OF LATE RAM AYODHYA SINGH RESIDENT OF VILLAGE - MANOPALI, P.O. - SHAJITPUR, P.S. - BANIPUR, DISTRICT - SARAN (BIHAR).

40. RAJU PRASAD GUPTA SON OF NAWAL KISHORE PRASAD RESIDENT OF VILLAGE - KATHARI BAGH MAHAVIR ASTHAN, P.O. - SAHEBGANJ, DISTRICT - SARAN (BIHAR).

41. RAVI RANJAN SON OF RAM NARESH SINGH RESIDENT OF VILLAGE AND P.O. - JEEVRAKHAN TOLA, P.S. - MANER, DISTRICT - PATNA (BIHAR).

42. MANOJ KUMAR YADAV SON OF RAJ NARAYAN ROY RESIDENT OF VILLAGE - CHITRA CHAK, P.O. - SONEPUR, DISTRICT - SARAN (BIHAR).

43. HIRA SAW SON OF LATE PITAMBAR SAW RESIDENT OF VILLAGE AND P.O. - CHINTAMAN CHAK, P.S. - MOKAMA, DISTRICT - PATNA (BIHAR).

44. ASGAR ALI SON OF MD. JALALUDDIN RESIDENT OF VILLAGE AND P.O. - SHAKURABAI, P.S. - SHAKURABAD, DISTRICT - JEHANABAD (BIHAR).

45. DHANANJAY KUMAR SON OF SUDARSAN SINGH RESIDENT OF VILLAGE AND P.O. - BELAWAN, P.S. - KALER, DISTRICT - ARWAL (BIHAR).

46. PRAKASH KUMAR SON OF YOGENDRA PRASAD RESIDENT OF OPPOSITE K.N. SARAN V.I.P. LANE, P.O. AND P.S. - BHAGWAN BAZAR, DISTRICT - SARAN (BIHAR).

47. ARJUN KUMAR VYAHUT SON OF THAKUR JEE VYAHUT RESIDENT OF VILLAGE AND P.O. - REVILGANJ, DISTRICT - SARAN (BIHAR).

48. ASHOK KUMAR SON OF RAM KHAILASH PRASAD RESIDENT OF VILLAGE - KHORODIH, P.O. - SAWRI BUXIJEE, P.S. - JALALPUR, DISTRICT - SARAN (BIHAR).

49. NEERAJ KUMAR SON OF KAMALDEO SINGH RESIDENT OF VILLAGE - MAKHDUMPUR, P.S. AND P.O. - SONEPUR, DISTRICT - SARAN (BIHAR).

.... Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY, RURAL DEVELOPMENT DEPARTMENT, GOVERNMENT OF BIHAR, OLD SECRETARIAT, PATNA.

2. THE PRINCIPAL SECRETAR, RURAL DEVELOPMENT DEPARTMENT, GOVERNMENT OF BIHAR, OLD SECRETARIAT, PATNA (BIHAR).

3. THE DISTRICT MAGISTRATE, SARAN AT CHAPRA, DISTRICT - SARAN (BIHAR).

4. THE DEPUTY DEVELOPMENT COMMISSIONER CUM CHIEF EXECUTIVE OFFICER, SARAN AT CHAPRA, DISTRICT - SARAN (BIHAR).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6491 of 2014

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1. Ram Sevak Shahi S/O Ramballabh Shahi R/O Village - Sahatha, P.S. Bhagwanpur, District - Vaishali
2. Chandrakhet Prasad Singh S/O Late Sitaram Prasad Singh R/O Mohalla - Bagmussa, P.S. Hajipur Town, District - Vaishali
3. Lalan Kumar S/O Sonelal Mahto R/O Village - Block Colony Hajipur, P.S. Hajipur Town, District - Vaishali
4. Tarun Prasad Singh S/O Shri Rupan Prasad Singh R/O Village - Bhairipur, P.S. Bidupur, District - Vaishali
5. Rajendra Prasad Singh S/O Yogendra Prasad Singh R/O Village - Mathura, P.S. Bidupur, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development, Government of Bihar, Patna
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna
3. The District Magistrate, Vaishali at Hajipur
4. The Deputy Development Commissioner Vaishali at Hajipur

.... Respondent/s

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Appearance :

(In CWJC No. 7338 of 2014)

For the Petitioner/s : Mr. Mahesh Narayan Parbat, Sr. Advocate
Mr. Nikhil Kr. Agrawal, Advocate
Mr. Santosh Kumar Mishra

For the Respondent/s : Mr. Neelu Agrawal, GA 6
Mr. Avinash Kumar, AC to GA 6

(In CWJC No. 6491 of 2014)

For the Petitioner/s : Mr. Ravindra Kr. Shukla, Advocate

For the Respondent/s : Mr. Aditya Nath Pandey, AC to SC 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 16-01-2015

In both the above writ petitions issues of facts and issues of law involved are identical and common, therefore, with the consent of the parties, both the matters have been heard together and are being disposed of by this common order/judgment..

2. The petitioners of both the writ petitions, who all were appointed on the posts of Panchayat Rojgar Sewak for the districts of Saran and Vaishali respectively on contractual basis for a period of



two years vide orders/letters of appointment as contained in Annexure-3 series in CWJC No. 7338 of 2014 and Annexure-1 series in CWJC No. 6491 of 2014 respectively, have filed the present writ petitions under Article 226 of the Constitution of India with a common prayer to set aside the order/communication dated 13.02.2014 (Annexure-6 in CWJC No. 7338 of 2014) issued under the signature of the respondent Principal Secretary, Department of Rural Development, Government of Bihar, Patna whereby direction was issued to all the District Officer-cum-District Programme Coordinators of Bihar not to renew the contract of those Panchayat Rojgar Sewaks and they should not be retained in service w.e.f. 01.04.2014, who do not fulfill the conditions and achieve their targets till 31st March, 2014 indicated in that letter/communication dated 13.02.2014.

3. Indisputably, the appointment of none of the petitioners on the post of Panchayat Rojgar Sewak were cancelled pursuant to the aforesaid letter/communication dated 13.02.2014 (Annexure-6), but because of onerous condition indicated in that letter/communication dated 13.02.2014, they apprehended that some punitive action may be taken against them, and therefore, they filed these writ petitions.

4. Both these matters were heard earlier on different dates. Even the Secretary, Department of Rural Development, Government of Bihar, Patna had appeared in person before this Court on 20.10.2014, 13.11.2014 and lastly on 14.11.2014. Both these matters were heard for quite some time in presence of the Secretary, Department of Rural Development, Government of Bihar, Patna and on his request by an order dated 14.11.2014, these matters were adjourned and were ordered to be listed on 14.01.2015, as he gave an assurance to this Court that he will examine the entire matter afresh



and, if need be, a fresh communication/order shall be issued with respect to the issues raised on behalf of the petitioners in both these writ petitions. In compliance of the aforesaid order dated 14.11.2014 passed by this Bench when the matter has been taken up today, a supplementary counter affidavit is being filed on behalf of the respondent no.2, which is taken on the record.

5. In the aforesaid supplementary counter affidavit filed on behalf of the respondent no.2, a fresh communication/order dated 01.01.2015 marked as Annexure-I to the aforesaid supplementary counter affidavit issued by the Secretary, Department of Rural Development, Government of Bihar, Patna has been brought on the record. This letter is addressed to all the District Officer-cum-District Programme Coordinators as also all the Deputy Development Commissioner-cum-Additional District Programme Coordinators of Bihar. By this communication, it has been directed that those Panchayat Rojgar Sewaks, whose contractual appointment were cancelled in the light of the previous communication/letter, referred to above, on account of non-creation of requisite Mandays, shall be reinstated and their contract shall be renewed.

6. After having heard the parties and on examination of the materials available on the record, this court is of the opinion that in view of the latest communication/order dated 01.01.2015 (Annexure-1 to the supplementary counter affidavit filed on behalf of the respondent no.2) the apprehensions/grievances raised on behalf of the petitioners that they may be unnecessarily harassed and punitive action may be taken against them in an arbitrary manner have now been redressed and sufficient protection have been granted to them. Therefore, cause of action does not survive to proceed further in the matter. It is clarified that during the subsisting contract of the

petitioners on the post of Panchayat Rojgar Sewaks if they otherwise fulfills the terms and conditions of their contractual appointment, they shall not be unnecessarily harassed/penalized.

7. With the aforesaid observations and directions, both the writ petitions stand finally disposed of.

(Birendra Prasad Verma, J)

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