

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9433 of 2015

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1. Ramanuj Kumar son of late Jayram Paswan, resident of Village - Poari, P.O.- Poari Via Harnautur, District- Nalanda, (Bihar).
 2. Om Prakash Vishwakarma son of Sri Gopal Thakur, resident of Village- Mahamadpur Dewpar, P.O. - Pusa, District- Muzaffapur, (Bihar).
 3. Prabhat Kumar son of Sri Jugeshwar Prasad, resident of Village - Ghagha Ghat, P.O.- Mahendru, District- Patna (Bihar).
 4. Manoj Kumar Jha son of Surendra Jha, resident of Village- Bhandgarsan , P.O.- Bhadgarsan, P.S.: Manigachi, District- Darbhanga(Bihar).
 5. Alok Kumr son of Sri Jai Prakash Sharma, resident of Village- Chapra Megh, P.O. - Chapra Megh, P.S.- Mushahari, District- Muzaffapur, (Bihar).
 6. Mukesh Kumar Singh son of Kamta Singh, resident of Village- Fatehpur, P.O.- Raghapur, District- Vaishali, (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through Agriculture Production Commissioner, Agriculture Department, Government of Bihar, Patna
2. The Rajendra Agricultural University, Bihar, Pusa, Samastipur, through its Registrar.
3. The Vice Chancellor, Rajendra Agricultural University, Bihar, Pusa, Samastipur
4. The Registrar, Rajendra Agricultural University, Bihar, Pusa, Samastipur.
5. The Director Extension Education, Rajendra Agricultural University, Bihar, Pusa, Samastipur.
6. The Director Extension Education, Rajendra Agricultural University, Bihar, Pusa, Samastipur.
7. The Comptroller, Rajendra Agricultural University, Bihar, Pusa, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Narayan Parbat, Sr. Advocate
Mr. Sanjay Kumar Jha
For the Respondent State: Mr. Kumar Alok, SC 8
Mr. Ritesh Sinha, AC to SC 8
For the University : Mr. Arvind Ujjwal

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 02-12-2015

The six petitioners before this Court want quashing of the letter of communication dated 22.05.2015, contained in Annexure-8, by virtue of which the University authorities have refused to grant

any further extension of the contract and their engagements have been terminated.

2. Petitioners were engaged in what is known as “Krishi Vigyan Kendra” on contract basis for a period of six months way back in the year 2007. The terms of engagement were unambiguous that this was a temporary arrangement and the petitioners were supposed to work as O.S. cum Accountant. The advertisement, based on which the engagement was made, is Annexure-1 to the writ application.

3. Learned senior counsel for the petitioners harps on the fact that advertisement and the terms of engagement indicated that the arrangement shall continue till permanent appointments are made to fill up the post.

4. Petitioners have continued on the basis of extension from time to time till the impugned order dated 22/5/2015 came to be issued. The argument is that respondents have not filled up the post on permanent basis and, therefore, they should be stopped and barred from disengaging these petitioners till such an eventuality happens. Petitioners have worked right from 2007 to 2015. They are over the hill now. If they are disengaged, no employment opportunity would be available to fall back.

5. It is also urged as a last ditch effort that since petitioners have worked long enough, cases for regularization may be considered

in relation to these petitioners.

6. Stand of the University in this connection is that these petitioners are not employees of Rajendra Agricultural University. The concept of setting up of 'Krishi Vigyan Kendra' was part of a policy decision taken by the Indian Council of Agricultural Research. The entire funding is being done by them and since the execution of such policy and programme are done through Agricultural University, hiring of these petitioners is part and parcel of that exercise. There has been delay in making permanent appointments for which process has been initiated and advertisement issued. But since Indian Council of Agricultural Research is putting pressure upon the University that these arrangements cannot continue and last for ever, therefore, disengagement of the petitioners was necessitated. The University has made stop-gap arrangement by deputing persons from its own resources so that the University does not suffer.

7. They have taken a plea that appointments have been made from their pool and money has been released under this head. Payment cannot be made to two sets of people for the same set of work.

8. The engagement of the petitioners and the terms and conditions thereof were widely known to them. They cannot change their status merely because they have been allowed to continue



beyond the period of initial engagement by claiming benefits of a permanent employee. The University has no role to play in such engagement. University is only executing the directives of Indian Council of Agricultural Research and therefore, if the said authority wants disengagement for making permanent arrangement for which process has been initiated, this Court will not issue a mandamus for continuance of these petitioners because certain leeway is required to be given to the authorities who know best.

9. The Court is also informed that against the advertisement for filling up the post on permanent basis, petitioners have made applications. It goes without saying that if they fulfil the eligibility and the requirements laid down in the advertisement, even their case will be considered when permanent arrangement is made. However, in the given facts and circumstances as well as taking into consideration the nature of engagement, petitioners cannot be ordered to be continued on the post. Therefore, Anneuxre-8 is not required to be interfered with.

10. Learned senior counsel for the petitioners also makes a grievance that for certain period of time they have worked but their salary has not been paid.

11. In this regard, petitioners can raise grievance before the authority, who will surely consider their claim if work has been taken

by them from the petitioners.

12. Writ application is, otherwise, dismissed.

(Ajay Kumar Tripathi, J)

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