

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2752 of 2015

- =====
1. Arvind Kumar Son of Sri Haridwar Thakur, Resident of Village- Bahadara, P.O. Semrawn, P.S. Charpokhari, District- Bhojpur
 2. Santosh Kumar Sharma, son of Sri Ram Ishwar Sharma, Resident of Village- Narbirpur, P.O. Narhi Chandi, P.S. Chandi, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The District Magistrate, Bhojpur, Arrah
3. The Deputy Development Commissioner, Bhojpur, Arrah
4. The Additional District Magistrate, Bhojpur, Arrah
5. The District Welfare Officer, Bhojpur, Arrah
6. Senior Additional District Magistrate, Bhojpur, Arrah
7. The Executive Officer, S.D.M. Office, Arrah, Bhojpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Respondent/s : Mr. S.Raza Ahmad, Sr.Adv. AAG IX
Mr. Vishwambhar Pd.A.C. to AAG-XI

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

4 04-05-2015 The petitioners have made allegation against respondent no.2, District Magistrate, Bhojpur, Arrah in the manner in which list of Class IV employees was published for regularization of their services. The Court now has an occasion to see the stand of the respondent after a supplementary counter-affidavit has been filed on behalf of District Magistrate, Bhojpur, Arrah. The Collector, Bhojpur, Arrah has also appeared with original records in support of what has been stated therein.

The grievance of the petitioners is that there was discrimination in consideration of their claim for regularization

when similarly situated persons have been appointed and but the petitioners have been omitted. They fulfill all requirements but all kinds of things have been done in preparation of the list to help certain people at the cost of the petitioners. A few example is demonstrated before the Court from the list so prepared and is annexed with the writ application.

The counter affidavit which was filed earlier did not answer most of the queries and the allegation made against the respondent. Only when the Collector, Bhojpur was ordered to appear, supplementary counter affidavit has been filed with supporting materials and annexures.

The petitioner is a contractual appointee under DRDA in the district of Bhojpur. It is the categorical stand of the respondent that they are nowhere connected with the Collectorate or any of the office under the Collector. DRDA is an independent registered society. Employees of DRDA are not government servant. Therefore, there is no obligation upon the Collector, Bhojpur, to consider any claim for regularization under the Circular or directive of the General Administration Department

Law is well settled that the DRDA employees are not employees of the State Government. They have independent identity under registered society. Funding is done by the Central

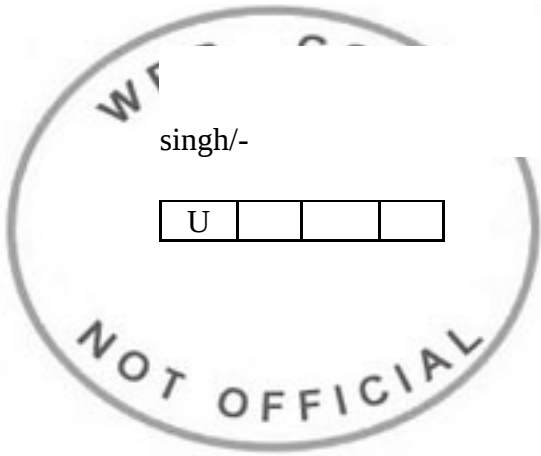
Government and this issue with regard to their status had even travelled to the Apex Court and no declaration has been made by any Court including the High Court conferring any benefit upon the employees of DRDA to be governed by the service rules of the State Government employees.

The petitioners are DRDA contractual employees and merely because they had applied and on that basis a tentative provisional list was prepared, it does not mean that the petitioners had a right. It is the stand of the District Magistrate, Bhojpur that the petitioners were engaged on contract by DRDA and in view of the same there is no obligation to include their names in the final list for regularization. The petitioners do not get a right for a direction to consider their case for regularization at least under District Magistrate, Bhojpur , Arrah.

The writ application is, therefore, required to be dismissed as no case is made out in favour of the petitioners especially when the factum of the petitioners being DRDA contractual employee is not denied or disputed.

The personal appearance of the District Magistrate, Bhojpur, Arrah is dispensed with. However, he is well advised that counter affidavits should not be filed in such a cursory and casual manner when matters come up before the High Court, so that there would be no occasion to direct his personal

appearance with original records to verify the facts and answer queries of the Court.



(Ajay Kumar Tripathi, J)