

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1329 of 2013
IN
Civil Writ Jurisdiction Case No. 9829 of 2013
With
Interlocutory Application No.7590 of 2013
In
Letters Patent Appeal No.1329 of 2013

Vijay Kumar Sharma, son of Late Shiv Shambhu Sharma, Resident of Village-
Husse Chapra P.S.- Chapra, District- Saran at Chapra, presently working as Shresth
DDT Chhirkao, Kshetriya Karyakarta in Jalalpur Block of Saran District.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
5. The Chief Malaria Officer, Bihar, Patna.
6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange,
Saran at Chapra.

.... Respondents-Respondent/s

With

Letters Patent Appeal No. 1255 of 2013
IN
Civil Writ Jurisdiction Case No. 10947 of 2013
With
Interlocutory Application No.7174 of 2013
In
Letters Patent Appeal No.1255 of 2013

Binod Kumar, son of late Jagarnath Prasad, resident of Mohalla-Mauna, P.S. Town,
District-Saran at Chapra, presently working as DDT Chirkao, Shreshtha Kshetriya
Karyakarta in Chhapra Sadar Block of Saran District.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
5. The Chief Malaria Officer, Bihar, Patna.
6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange,
Saran at Chapra.

.... Respondents-Respondent/s

With

Letters Patent Appeal No. 1287 of 2013
IN
Civil Writ Jurisdiction Case No. 9618 of 2013
With
Interlocutory Application No.7367 of 2013
In
Letters Patent Appeal No.1287 of 2013

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Ram Bahadur Singh, son of late Ram Kathin Singh, resident of Village - Mahammada, P.S. Garkha, District - Saran at Chapra, presently working as DDT Chhirkao, Kshetriya Karyakarta In Jalalpur Block of Saran District.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
5. The Chief Malaria Officer, Bihar, Patna.
6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange, Saran at Chapra.

.... Respondents-Respondent/s

With

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Letters Patent Appeal No. 1293 of 2013
IN
Civil Writ Jurisdiction Case No. 10581 of 2013
With
Interlocutory Application No.7378 of 2013
In
Letters Patent Appeal No.1293 of 2013

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Upendra Kumar Singh, son of Sri Rameshwar Singh, resident of Village - Dharampura, P.O. Rasulpur, P.S. Doriganj, District - Saran at Chapra, presently working as Shreshtha DDT Chhirkao, Kshetriya Karyakarta in Baniyapur Block of Saran District.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
5. The Chief Malaria Officer, Bihar, Patna.
6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange, Saran at Chapra.

.... Respondents- Respondent/s

With

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Letters Patent Appeal No. 1298 of 2013
IN

Civil Writ Jurisdiction Case No. 9513 of 2013

With

Interlocutory Application No.7401 of 2013

In

Letters Patent Appeal No.1298 of 2013

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Gajendra Singh, son of Sri Parshuram Singh, resident of village, P.O. & P.S.-
Baniyapur, District-Saran at Chapra, presently working as DDT Chhirkao,
Kshetriya Karyakarta in Baniyapur, Block of Saran District.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
5. The Chief Malaria Officer, Bihar, Patna.
6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange,
Saran at Chapra.

.... Respondents-Respondent/s

With

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Letters Patent Appeal No. 1307 of 2013

IN

Civil Writ Jurisdiction Case No. 11120 of 2013

With

Interlocutory Application No.7457 of 2013

In

Letters Patent Appeal No.1307 of 2013

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Akshay Lal Sharma, son of Sri Satya Narayan Sharma, resident of Village -
Rudalpur, P.S. Jalalpur, District - Saran at Chapra, presently working as DDT
Chhirkao, Shreshtha Kshetriya Karyakarta in Jalalpur Block of Saran District.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
5. The Chief Malaria Officer, Bihar, Patna.
6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange,
Saran at Chapra.

.... Respondents-Respondent/s

With

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Letters Patent Appeal No. 1309 of 2013

IN

Civil Writ Jurisdiction Case No. 10635 of 2013

With

Interlocutory Application No.7516 of 2013
In
Letters Patent Appeal No.1309 of 2013

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Chandra Deep Singh, son of Sri Ram Kripal Singh, resident of Village - Mahammada, P.S. Garkha, District - Saran at Chapra, presently working as DDT Chhirkao, Shreshtha Kshetriya Karyakarta in Jalalpur Block of Saran District.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
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6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange, Saran at Chapra.

.... Respondents- Respondent/s

With

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Letters Patent Appeal No. 1312 of 2013
IN
Civil Writ Jurisdiction Case No.9722 of 2013
With
Interlocutory Application No.7463 of 2013
In
Letters Patent Appeal No.1312 of 2013

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Lal Mohan Rai, son of Jagarnath Rai, resident of Village - Mahammada, P.S. Garkha, District - Saran at Chapra, presently working as DDT Chhirkao, Shreshtha Kshetriya Karyakarta in Jalalpur Block of Saran District.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
5. The Chief Malaria Officer, Bihar, Patna.
6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange, Saran at Chapra.

.... Respondents- Respondent/s

With

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Letters Patent Appeal No. 1314 of 2013
IN
Civil Writ Jurisdiction Case No. 9619 of 2013
With
Interlocutory Application No.7573 of 2013

**In
Letters Patent Appeal No.1314 of 2013**

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Manoj Kumar Singh, son of Sri Sheela Nath Singh, resident of Village-
Mahammada, P.S. Garkha, District-Saran at Chapra, presently working as DDT
Chhirkao, Shreshtha Kshetriya Karyakarta in Baniyapur Block of Saran District.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
5. The Chief Malaria Officer, Bihar, Patna.
6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange,
Saran at Chapra.

.... Respondents-Respondent/s

With

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**Letters Patent Appeal No. 1321 of 2013
IN
Civil Writ Jurisdiction Case No.10973 of 2013**

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Pramod Kumar, son of Jagannath Prasad Sharma, resident of Village - Mauna, P.S.
Chhapra, District - Saran at Chapra, presently working as DDT Chhirkao, Shreshtha
Kshetriya Karyakarta in Chhapra Sadar Block of Saran District.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
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6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange,
Saran at Chapra.

.... Respondents- Respondent/s

With

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**Letters Patent Appeal No. 1330 of 2013
IN
Civil Writ Jurisdiction Case No. 9218 of 2013**

With

Interlocutory Application No.7600 of 2013

In

Letters Patent Appeal No.1330 of 2013

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Shambhu Ram, son of Late Shiv Janam Ram, resident of Mohalla - Mauna P.S.
Chapra Town, District - Saran at Chapra, presently working as DDT Chhirkao,
Shreshtha Kshetriya Karyakarta in Chhapra Sadar Block of Saran District.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
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6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange, Saran at Chapra.

.... Respondents- Respondent/s

With

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Letters Patent Appeal No. 1337 of 2013
IN
Civil Writ Jurisdiction Case No.9826 of 2013
With
Interlocutory Application No.7623 of 2013
In
Letters Patent Appeal No.1337 of 2013

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Raju Kumar, son of Sri Ram Chandeshwar Rai, resident of Village - Chota Telpa, P.S. Muffasil, District Saran at Chapra, presently working as DDT Chhirkao, Shreshtha Kshetriya Karyakarta in Jalalpur Block of Saran District.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
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6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange, Saran at Chapra.

.... Respondents- Respondent/s

With

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Letters Patent Appeal No. 1427 of 2013
IN
Civil Writ Jurisdiction Case No. 10184 of 2013
With
Interlocutory Application No.8012 of 2013
In
Letters Patent Appeal No.1427 of 2013

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Ramadhar Singh, son of late Ram Milan Singh, resident of Village- Mahammada, P.S.- Garkha, District- Saran At Chapra, presently working as DDT Chhirkao, Kshetriya Karyakarta in Baniyapur Block of Saran District

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.

3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
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8. The Assistant Director (Employment), Sub-Regional Employment Exchange, Saran at Chapra.

.... Respondents-Respondent/s

With

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Letters Patent Appeal No. 1443 of 2013

IN

Civil Writ Jurisdiction Case No. 9631 of 2013

With

Interlocutory Application No.8057 of 2013

In

Letters Patent Appeal No.1443 of 2013

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Raj Roshan Manjhi, son of Sri Sabrajit Manjhi, resident of Village- Dhupnagar (Dhobwal) P.S.- Khaira, District- Saran at Chapra, presently working as DDT Chhirkao, Shreshtha Kshetriya Karyakarta in Jalalpur Block of Saran District.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-In-Chief, Health Services, Bihar, Patna.
5. The Chief Malaria Officer, Bihar, Patna.
6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange, Saran at Chapra.

.... Respondents-Respondent/s

With

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Letters Patent Appeal No. 1663 of 2013

IN

Civil Writ Jurisdiction Case No. 9805 of 2013

With

Interlocutory Application No.9127 of 2013

In

Letters Patent Appeal No.1663 of 2013

=====

Shiv Kumar Singh, son of Sri Ram Kripal Singh, resident of village-Mahammada, P.S. Garkha, District-Saran at Chapra, presently working as DDT Chhirkao, Shreshtha Kshetriya Karyakarta in Jalalpur Block of Saran District.

.... Petitioner-Appellant/s

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4. The Director-In-Chief, Health Services, Bihar, Patna.
5. The Chief Malaria Officer, Bihar, Patna.

6. The District Magistrate, Saran at Chapra.
7. The District Malaria Officer, Saran at Chapra.
8. The Assistant Director (Employment), Sub-Regional Employment Exchange, Saran at Chapra.

.... Respondents-Respondent/s

Appearance :

(In all the Appeals)

For the Appellant/s : Mr. Prashant Sinha, Advocate

For the Respondent/s : Mr. Mritunjay Kumar, A.C. to S.C.-23

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 20-01-2015

In this batch of Letters Patent Appeals, common question of facts and law are involved and, in fact, they are filed against a common order dated 21.06.2013 passed by the learned Single Judge in CWJC No.9218 of 2013 and batch cases.

The facts of the case, in brief, are that the appellants were engaged for spraying D.D.T. seasonally. Initially, they were engaged on 28.01.1992 and thereafter they were being engaged for every year for about 30-40 days, depending upon the need.

The State of Bihar framed the Bihar Group 'D' (Recruitment & Service Conditions) Rules, 2009 (for short, 'the Rules'). The procedure to be followed while making appointment to Group 'D' is prescribed therein. The Rules,

inter alia, provide for preparation of panels by the concerned appointing authorities, in accordance with the guidelines and criteria stipulated in the Rules as well as the one that may be framed by the Government.

In the District of Saran that exercise was undertaken and a list of applicants was prepared by the concerned Selection Committees, formed in accordance with the Rules. The grievance of the appellants is that they have been shown at far below place in the list, virtually making the chances of their being appointed very bleak. They claim preferential treatment, on the basis of their prior engagement as DDT Sprayers.

The appellants made a representation to the District Magistrate, the Chairman of the Selection Committee raising certain objections, as to the fixation of priorities. Through his order dated 13.03.2013, the District Magistrate informed the appellants that they do not qualify for any priority and they can be placed only along with the candidates, who are not entitled for any priority. The said proceedings were challenged in a batch of writ petitions. The learned Single Judge dismissed the writ petitions by taking the view that no exception can be taken to the impugned order, and if the appellants are, so advised, they can approach the Commissioner. Hence, these Letters Patent

Appeals.

Heard Sri Prashant Sinha, learned counsel for the appellants, and Sri Mritunjay Kumar, learned A.C. to S.C.-23 for the respondents.

The Rules are brief in their content. They provide for constitution of Selection Committee and the procedure to be followed for preparation of panels for appointment to Group 'D' employees. As regards other details, the Government is conferred with the power to stipulate them.

In the Circular dated 29th June, 2011, the Government issued certain guidelines. For example, it mandates that if, an individual is working on daily wages against the vacant posts carrying the emoluments from the Government fund, he shall be considered for appointment against such vacancy. Benefits are conferred upon the persons, who have put in 240 days of work, obviously in a calendar year. Other such benefits were also conferred.

We find it difficult to fit the appellants into any such category. After verification of the relevant facts as well as the Circulars, the District Magistrate has taken the view that the appellants can be included in the 4th priority list.

We do not find any basis to interfere with the order passed by the District Magistrate or the one passed by the learned Single Judge.

All these Letters Patent Appeals are, accordingly,
dismissed.

Interlocutory applications, if any, shall stand
disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Gopal Prasad, J)

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