

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8644 of 2013

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1. Arbind Kumar Rai Son of Mohit Roy, Resident of Village- Mahamada, P.S. Pusa, District- Samastipur.
 2. Ram Adhar Rai Son of Late Ram Chandra Rai, Resident of Village- Mahamada P.S. Pusa, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Deptt. of Agriculture, Old Secretariat, Patna, Bihar
2. The Vice Chancellor, Rajendra Agriculture University (hereinafter referred as 'RAU') Pusa, Samastipur
3. The Registrar, R.A.U. Pusa, Samastipur
4. The Director Administration, R.A.U. Pusa, Samastipur
5. The Recruitment Officer, R.A.U. Pusa, Samastipur
6. The Dean College of Basic Sciences, Bihar, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma
For the Respondent/s : Mr. Arvind Ujjawal
Mr. Sunil Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-07-2016

Heard learned counsel for the petitioners and learned counsel for the State.

In this case, petitioners are seeking relief for regularisation in service.

Admittedly these petitioners have been discharging the duty as daily wager employee on contractual basis.

The issue of regularisation was subject matter of consideration before this Court and the Hon'ble Supreme Court and it was directed, 35% of the vacancy will go for regularisation of the

employees on seniority basis and 65% of the vacancy will be filled up from the open market, with grant of weightage in the terms that those who have discharged the duty in the University, will be entitled to two points for each completed of year service, subject to maximum thirty marks.

As per the counsel for the petitioners, they have been discharging the duty regularly without any break or any obstruction, but still they have not been regularised.

The University has filed the counter affidavit where it has been stated that Arbind Kumar Rai, petitioner no. 1 had applied for appointment on the post of Lab Assistant, but could not qualify as he did not submit the fresh application in the year 2012 as per the Advertisement No. 1 of 2012 and corrigendum No. 760 dated 28.03.2012 and petitioner no. 2 Ramadhar Rai never applied for any post under the Advertisement nos. 1 of 2012 and 2 of 2012, in such view of the matter petitioners remained either as contractual employee or daily wages.

The petitioner has relied upon the judgment passed in L.P.A. no. 147 of 2011 and its analogous cases, submitted that the present case is squarely covered by the order passed in L.P.A. no. 147 of 2011, but on consideration of the fact, there the person had applied against the Advertisement and this Court gave direction for

consideration, giving due weightage of their experience, the fact of that case is quite different to this case. The relief that has been granted in that case, cannot be extended in the present case. However if any vacancy is created, the respondents will consider the case of the petitioners on priority basis in accordance with law, giving relaxation in their age, as they have been discharging the duty in the same organisation since 1988.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
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