

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15472 of 2013

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1. Kamlesh Kumar Ram Son Of Late Jagnath Ram Resident Of Village - Chhapra, Post Office - Bhada, Police Station - Bagen Gola, District - Buxar
 2. Shailesh Kumar Son Of Late Chandeshwar Das Resident Of Village - Panchasa, Police Station - Rahui, District - Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
3. The Deputy Secretary, Human Resources Development Department, Government Of Bihar, Patna
4. The Principal Secretary, Department Of Personnel An Administrative Reforms, Government Of Bihar, Patna
5. The Bihar School Examination Board Through Its Secretary Having Office Near Frazer Road, Patna
6. The Secretary, Bihar School Examination Board Having Office Near Frazer Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.

For the BSEB : Mr. Ajay, Adv.

Mr. Ashish Kumar Lal, Adv.

For the State : Mr. Rakesh Narayan Singh, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-11-2016

Heard learned counsel for the petitioners and counsel
for the State as also counsel for the Bihar School Examination Board.

In this writ application, the petitioner has challenged the
action of the Bihar School Examination Board in refusing to
regularize the services from the petitioners.

Admittedly, it appears from the records that both the



petitioners were appointed on daily wages by the Inter Council in the year 2004. The State Government under a policy decision repealed the Bihar Intermediate Education Council Act, 1992 by the Bihar Intermediate Education Council (Repeal) Act, 2007. In that manner, the Bihar Intermediate Council has been liquidated but, Section 3 of the aforesaid Act, 2007 provides that after liquidation of the Bihar Intermediate Council, the employees, working there, will not be treated to have discontinued in service, will be paid their salary and allowances till such time the State Government has taken decision in terms of stipulation. As per provision, the Government. The State Government constituted a Committee of three Secretaries who shall prepare detailed scheme of absorption, retirement, compulsory retirement or voluntary retirement, Screening appointment and other service conditions of the employees of the Council. The Scheme prepared by the Committee of Secretaries shall be placed before the Government within four months from the date of enforcement of this Act. In pursuance thereof, the Three Men Committee was constituted and it was found that the services of the petitioners were not brought in service in a proper manner as no advertisement was published. The appointment letter of both the petitioners itself suggest that they were daily wage employees and cannot claim as a matter of right of regularization in service of the

Bihar School Examination Board.

In that view of the matter, this Court does not find any merit in this application and the same is, accordingly, dismissed.

It is made clear that this order will not come in the way of fresh appointment of the petitioners, whenever an advertisement is issued, the petitioners will have a liberty to apply for the same and their case will be considered in accordance with law.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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