

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No 1096 of 2013**  
**IN**  
**Civil Writ Jurisdiction Case No 3591 of 2011**

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Ajay Kumar Mishra Son Of Sri Dhananjay Mishra Resident Of Village + P.O. -  
Karma Bhagwan, P.S. - Aurangabad, District - Aurangabad

.... .... Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, General Administration Department Government Of Bihar, Patna
3. The Principal Secretary, Social Welfare Department Government Of Bihar, Patna
4. The Director, Integrated Child Development Services (ICDS), Indira Bhawan, Boring Canal Road, Patna
5. Bihar Public Service Commission through Its Chairman, Patna
6. The Chairman, Bihar Public Service Commission, Patna
7. The Secretary, Bihar Public Service Commission, Patna
8. Amresh Kumar Singh Son Of Late Brajnandan Singh R/O Muhalla - Lakari Bazar, P.O. + P.S. - Sonapur, Distt. - Chapra
9. Rama Shankar Vishwakarma Son of Ragho Ram Vishwakarma R/O Village + P.O. - Simri, P.S. - Bihta, Distt. - Patna
10. Chandra Bhushan Singh S/O - Deo Prasad Singh R/O Muhalla - Station Road, Bandhan Tola, Ara, Distt. - Bhojpur
11. Dev Das S/O - Sri Radhe Shyam Das R/O Muhalla - Rajhanska Dyorthi Laltali, Patna City, Distt. - Patna
12. Upendra Prasad S/O - Sri Rampati Prasad R/O Village - Bhatubigha, P.O. - Ketari, P.S. - Dev, Distt. - Aurangabad
13. Shiv Sharan Kumar Bhagat Son Of Late Rajendra Prasad Bhagat R/O Village - Laltraha, P.O. - Amaha, P.S. - Gamharia Bazar, Distt. - Supaul
14. Pramod Kumar Sinha S/O Late Kameshwar Prasad R/O Muhalla - Road-B, Ashok Nagar, P.S. - Kankarbagh, Distt. - Patna
15. Raj Kumar Son of Sri Ram Raj R/O Muhalla - Chitrakut Nagar, Nanapur, Distt. - Patna
16. Bindeshwar Sing Son Of Sri Ramchandra Singh R/O Village - Manahi, P.O. - Amahi, P.S. - Ghoghardiha, Distt. - Madhubani
17. Girjapatinath Sinha S/O - Late Rameshwar Pd. Sinha R/O Muhalla - C.H. Colony, Argaghat, Road Giridih, Distt. - Giridih (Jharkhand)
18. Shailendra Kumar Das Son Of Sri Gopal Krishna Das R/O Muhalla - Sakari Gali, P.O. - Guljarbagh, Distt. - Patna
19. Mritunjay Jha S/O - Sri Sachidanand Jha R/O Village - Maksudpur, Munger, Distt. - Munger
20. Alind S/O - Sri R.S.P. Verma R/O Road No. - 11, Ashok Nagar, P.S. - Kankarbagh, Distt. - Patna

.... .... Respondent/s

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For the Appellant/s : Mr. AWADHESH KUMAR PANDIT  
For the Respondent/s : Mr. RAJESH SINGH

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**CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH**  
**And**  
**HON'BLE JUSTICE SMT NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)**

**Date: 21-07-2016**

Heard the learned counsel for the appellant who was the unsuccessful writ petitioner in CWJC No 3591 of 2011 which was dismissed by judgment and order dated 03.04.2013 alongwith other analogous cases.

**2** The grievance of the appellant is that Advertisement No 1 of 1990 was issued for appointment of Class III employees including Statistical Officers. The writ petitioner and others were applicants thereof. They were selected by Bihar Public Service Commission and recommended for appointment in the Department of Social Welfare for the Integrated Child Development Service Project. Instead of being given permanent employment, they were given only contractual employment. Upon challenge, the plea of the State was that the Project was temporary and the posts were also temporary. They could not be given permanent employment. The appellant's plea also was that some juniors in the panel, who had not been earlier appointed, were then subsequently appointed on permanent basis in other Departments. There were various other contentions raised. The learned Single Judge did not accept the contentions and dismissed the writ petition. Hence, the appeal.

**3** Learned counsel for the appellant now submits that

though initially the Department had taken the plea that the posts were not sanctioned as permanent post and, therefore, their appointments could not be on permanent basis. The Department did realize their mistake and have duly corrected the same. Consequent thereupon, towards the end of the year 2015, the writ petitioner-appellant has been made permanent with effect from the date of his original selection with all consequential benefits clearly mentioning that the earlier stand of the post being temporary and the Project being temporary were acknowledged to be a wrong stand.

**4** In our view, the substantive relief that the writ petitioner-appellant had sought has now been acknowledged and redressed. His interest of service has also been protected. That being so, in our view, it would not be proper for us to get into adjudication as to whether the learned Single Judge is correct or not or the Department took a wrong stand in this regard? The relief, as sought for by the writ petitioner-appellant having been acknowledged to him by the Department itself, in our view, there is no need to decide the issues on merit.

**5** This appeal is, thus, disposed of.

**(Navaniti Prasad Singh, J)**

**(Nilu Agrawal, J)**

M.E.H./-

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