

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5202 of 2014

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1. Raju Kumar Son Of Sri Birendra Singh Resident Of Village- Sutihara, P.S- Parihar, District- Sitamarhi.
 2. Rajesh Kumar Son Of Sri Jogi Sah Resident Of Village- Mahuaba, P.S- Bathnaha, District- Sitamarhi.
 3. Avinash Kumar Son Of Sri Bilat Mahto Resident Of Village- Sarbarpur, P.S- Sonvarsa, District- Sitamarhi.
 4. Ram Balak Paswan Son Of Asharfi Paswan Resident Of Village- Harnahia, P.S- Sahiyara, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State Of Bihar through The Principal Secretary, General Administration Department, Govt. Of Bihar, Patna.
2. The Mission Director, the Bihar Administrative Reforms Mission Society (General Administration Department, Govt. Of Bihar), Patna.
3. The District Magistrate- Cum- Chairman, District Selection Committee (For Services under The Right To Public Service Act).
4. The Chief Election Officer, Govt. Of Bihar, Patna.
5. The Joint Secretary, Chief Election Officer's Office, Govt. Of Bihar, Patna.
6. The District Magistrate- Cum- Chief Election Officer, Sitamarhi.
7. The Deputy Election Officer, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar
For the Respondent/s : Mr. D.K.Prasad, GP 7
Mr Amit Shrivastava
Mr Girish Pandey

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 24-02-2016

Hiring of the petitioners was a contract for service and not of service. It was a contractual engagement for a limited period of time looking at the exigencies of work and enhanced reason for engagement during elections, which is evident from Annexure- C to the counter affidavit filed on behalf of the State.

Since such engagements are not substantive

appointments, therefore, their right cannot be decided on the basis of similarly situated persons whose engagement may have been continued in some other department as a case for violation of Articles 14 and 16 of the Constitution of India.

Petitioners have no fundamental right or statutory right to continue looking at the nature of their engagement. Writ is dismissed.

(Ajay Kumar Tripathi, J)

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