

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.18948 of 2016

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1. Navin Kumar Mishra, S/o Sri Upendra Mishra, Resident of Village- Pusahiya, P.O.- Hashiya, P.S.- Sahiyara, District- Sitamarhi, Bihar, Pin Code- 843302.
  2. Amresh Kumar Sah, S/o Sri Baleshwar Sah, Resident of Village- Kutahar Khas, P.O.- Sherpur Chhatwara, P.S.- Mahua, District- Vaishali, Bihar, Pin Code- 844126.
  3. Ranjit Kumar, S/o Regendra Prasad, Resident of Village- Goh New Area, P.O.- Goh, P.S.- Goh, District- Aurangabad, Bihar, Pin Code- 844203.
  4. Baliram Kumar Sinha, S/o Indradeo Singh, Resident of Village + P.O.- Dumra, P.S.- Haspura, District- Aurangabad, Bihar, Pin Code- 844120.
  5. Rita Kumari, W/o Sri Suresh Prasad, Resident of Village +P.O.- Laudipur, P.S.- Paraiya, District- Gaya.
  6. Sunil Kumar Mishra, S/o Rameshwar Mishra, Resident of Village- Sobhi Dumra, P.O.- Barka Dumra, P.S.- Muffasil, District- Bhojpur, Bihar, Pin- 802312.
  7. Deepak Kumar, S/o Bhuneshwar Prasad, Resident of Village- Sohni Patti, Buxar, District- Buxar.
  8. Dharendra Sharma, S/o Sukhdeo Sharma, Resident of Village- Kathgarwa, P.O.- Chausa, District- Buxar, Pin Code- 802114.
  9. Rupa Kumari, W/o Sri Panna Lal Verma, P.O.- Bakipur, District- Patna, Pin Code- 800004.
  10. Ranbir Kumar, S/o Shyam Sunder Prasad, Resident of Village- Purauta, P.O.+P.S.- Lakhisarai, District- Lakhisarai
  11. Ravi Ranjan Kumar, S/o Late Girdhari Pandey, Resident of Village- Karpi, P.O.- Karpi, District- Arwal, Pin Code- 804419.
  12. Switi Kumari, D/o Sachidanand Rajak, Brijmohan Thakur Lane Barachhi, District- Bhagalpur.
  13. Kumar Bimlendu, S/o Bijendra Kumar Jha, Resident of Village- Bagaura, P.O.- Gopalpur, Via- Chhapra, District- Saharsa, Pin Code- 852106.
  14. Subhash Kumar Suman, S/o Basudeo Yadav, Resident of Village + P.O.- Jiwachpur, P.S.- Gamhariya, District- Madhepur, Pin Code- 852124.
  15. Madhuri Kumari, D/o Ganesh Prasad Sah, Resident of Village- Udakishunganj, P.S.- Udakishunganj, District- MadhepurA.
  16. Sudhir Kumar Mandal, S/o Bachelal Mandal, Resident of Village +P.O.- Basha, District- Supaul, Pin Code- 852131.
  17. Abhay Pratap, S/o Ajay Kumar, Resident of Village +P.O.- Baikunthpur, P.S.- Baikunthpur, District- Gopalganj.
  18. Shyam Kumar, S/o Late Kashinath Sah, Resident of Village- Nakra Diyara, P.O.- Danapur, P.S.- Digba, District- Patna- 12.
  19. Rajkishore Mandal, S/o Dulal Mandal, Resident of Village- Hatgama, P.O.- Bhoja Bhatgama, Via- Ranipatra, District- Purnea.
  20. Navneet Anand, S/o Sashimohan Karn, Resident of Village- Jagannathpur, P.O.- Banauli, District- Purnea.
  21. Radhika Kumri, W/o Sri Dharamveer Singh, D/o Sri Ramsewak Prasad, Resident of Village- Muhalla Nahotta, P.O.+ P.S.- Fatuha, District- Patna, Pin Code- 803201.
  22. Abhishek Kumar, S/o Late Badri Mandal, Resident of Village- Amba, P.O.- Maniyadda, P.S.+District- Jamui.
  23. Sugandha Sharma, D/o Sri Mohan Rai Sharma, Mohalla- Nadraganj Shanti



- Niwas, P.O. Head Post Office- Gaya, District- Gaya.
24. Rajiv Ranjan Kumar, S/o Nawal Kishore Prasad, Resident of Village- Sipara Palwapara, P.O.- Bagwa, P.S.- Hilsa, District- Nalanda.
  25. Arvind Kumar, S/o Gyan Prakash, Resident of Mohalla- Naisarai, P.S.- Biharsharif, District- Nalanda.
  26. Usha Kumari, W/o Sri Kundan Kumar, Resident of Village- Rannu Bigha, P.O.- Gurusaranpur, P.S.- Ben, District- Nalanda.
  27. Nita Kumari, D/o Udai Prasad, Resident of Village- Dumrar, P.O.- Dumrar, District- Buxar.
  28. Manoj Kumar Paswan, S/o Raghunandan Paswan, Resident of Village- Parwal Tol (Bhagatpur), P.O.- Lakhminiya, P.S.- Baliya, District- Begusarai, Bihar, Pin Code- 851211.
  29. Banshidhar Katyayan, S/o Sri Sitaram Mishra, Resident of Village- Gopalpur, P.O.- Gopalpur, Via- Udakishunganj, District- Madhepura.
  30. Ravi Prakash, S/o Sunil Kumar Verma, Resident of Village- Binagrih Purbi, Indira Nagar Road No.1, P.O. Lohiya Nagar, Kankarbagh, District- Patna, Bihar, Pin Code- 800020.
  31. Ajit Kumar Mishra, S/o Udaikant Mishra, Resident of Village+P.O.- Kosila, P.S.- Magadh Vishwa Vidyalaya, Bodh Gaya, District- Gaya, Bihar.
  32. Neha Kumari, D/o Sri Ram Chandra Mishra, East Karthaul Babul Banna, P.O.- Karthaul, P.S.- Parsa Bazar, District- Patna, Pin Code- 808453.
  33. Mukesh Kumar, S/o Late Diwakar Jha, Surbhi Khal (Madarsa Road), Tilka Manjhi.
  34. Soni Kumari, D/o Ganga Singh, Resident of Village- Kritpura, P.O.- Kamarpur, District- Buxar.
  35. Salnag Akhtari, S/o Md. Usman Hussain, Resident of Village- Durgapur, District- Katihar.
  36. Raj Anand, S/o Late Bijay Kumar Sinha, Resident of Village + P.O.- Kabirchak, P.S.- Sadar, District- Darbhanga, Pin Code- 846009.

.... .... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Social Welfare Directorate, Sichai Bhawan, Patna, Bihar.
4. The Assistant Director, State Child Protection Unit, Social Welfare Department, Social Welfare Directorate, Govt. of Bihar, Patna.
5. The Deputy Director, State Child Protection Unit, Social Welfare Department, Social Welfare Directorate, Sichai Bhawan, Patna, Bihar.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Rajendra Prasad Singh, Srr. Adv.  
Mr. Rajeev Kumar Singh, Adv.

For the Respondent/s : Mr. Krishna Chandra Jha, AC to AAG-8

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 23-12-2016**

Heard Mr. Rajendra Prasad Singh, learned senior counsel



appearing for the petitioners and Mr. Krishna Chandra Jha, learned Assisting Counsel to Additional Advocate General No.8 for the State.

Though the writ petition was filed on a misconception to question the order dated 21.9.2016 as being adversarial to the interest of the petitioners but considering the import of the order which in fact extends the contract of service of the petitioners, Mr. Singh, learned senior counsel appearing for the petitioners instead chose to withdraw the said prayer and to press the writ petition for the purpose of seeking regularisation of the services of the petitioners who had been appointed on contract basis following the advertisement present at Annexure-3.

It is not in dispute that the contract has been extended from time to time and the evidence thereof is present at Annexures- 9 to 11. Lastly through the order present at Annexure-1 dated 21.9.2016 instructions have been issued for taking steps for regularisation on the post and until such time for extension of the services of these contract appointees. The petitioners are aggrieved by the advertisement present at Annexure-19 which prima-facie advertises the posts for the purpose of absorption of these contract appointees appointed under the Integrated Child Protection Scheme against those posts. Mr. Singh advocating for the petitioners has made reference to a decision of the State Government present at Annexure-7 to submit that though a decision was taken for regularisation of these contract appointees but instead the respondents have gone ahead with the advertisement.

In my opinion, there is nothing in the advertisement which is



adversarial to the interest of petitioners rather the recitals at paragraph 2 sufficiently protects the contract appointees who have been granted preference in appointment and reads as under:

- “1. राज्य सरकार द्वारा निर्धारित एवं सामान्य प्रशासन विभाग, बिहार सरकार द्वारा आरक्षण के संबंध में जारी किये गये विद्यमान दिशानिर्देशों के अनुरूप ही नियुक्तियों की जायेगी एवं इसका लाभ केवल बिहार राज्य के स्थायी निवासी को ही देय होगा।
2. तारांकित (\*) पदों में से कुछ पद संबंधित इकाईयों/ गृहों के अंतर्गत समकक्ष पदों पर वर्तमान में कार्यरत संविदा कर्मियों में से नियुक्त किये जायेंगे तथा कार्यरत संविदा कर्मियों हेतु निर्धारित नियोजन प्रक्रिया सम्पन्न होने के पश्चात कोई पद रिक्त रह जाने पर सामान्य अभ्यर्थियों की वरीयता सूची से नियुक्त किये जायेंगे। वर्तमान में कार्यरत संविदा कर्मियों द्वारा समकक्ष पद के अतिरिक्त अन्य पद पर आवेदन करने की स्थिति में उन्हें उक्त प्रक्रिया का लाभ देय नहीं होगा एवं इन कर्मियों के द्वारा आवेदन नहीं करने पर उनके समायोजन की कार्यवाई नहीं की जायेगी।”

. A decision taken vide Annexure-7 for regularisation of these petitioners and others has been translated in the advertisement present at Annexure-19 which runs in accordance with the decision. No cause for indulgence is made out.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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