

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12837 of 2012

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Ramjee Prasad, Son of Late Ramsharan Prasad, Resident of Mohalla :
Mahmudichak, Rajendra Nagar, Road No. 10, P.S.: Kadamkuan, District: Patna -
800016

.... Petitioner/s

Versus

1. The State of Bihar, through Its Chief Secretary, Old Secretariat, Govt. of Bihar, Patna
2. The Agriculture Production Commissioner, Govt. of Bihar, New Secretariat, Patna
3. Sri Ashok Kumar Sinha, the then Agriculture Production Commissioner, Govt. of Bihar, New Secretariat, Patna at Present Development Commissioner, Old Secretariat, Bihar, Patna
4. The Deputy Secretary, Nivedan Samittee, Secretariat of Bihar Assembly, Patna
5. The Director, Agriculture Department, Govt. of Bihar, New Secretariat, Patna
6. The Joint Director of Agriculture, Patna Division, Mithapur Farm, Town & District : Patna
7. Jai Prakash Thakur, Son of not known Sectional Officer, Office of Director of Agriculture, New Secretariat, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha, Advocate
Mr. Ramendra Prasad, Advocate
For the Respondent/s : Mr. Uma Shankar, GP4
Mr. Karandeep Kumar, AC to GP4

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 01-07-2016

Heard learned counsel for the petitioner and the respondents.

The petitioner seeks quashing of Memo, dated 30.11.2009, issued under the signature of Joint Director of Agriculture, Patna Division, Patna, whereby his service was terminated from the post of Storekeeper, Agriculture Department.

The case of the petitioner is that the post of 21 Clerk

were advertised in Aryavart, a leading Hindi Newspaper on 18.07.1985. On 31.12.1987, he was appointed against vacant post of Storekeeper in the pay scale of Rs.580-860/- and was posted under Project Executive Officer, Bihta, Patna. Soon thereafter, the services of the petitioner was dispensed with vide Memo dated 01.07.1988.

The petitioner assails the impugned order on the ground that he was a retrenched employee, and as per the policy, he was rightly adjusted.

A counter affidavit has been filed on behalf of the State.

Mr. Uma Shankar Singh, learned counsel for the State submits that the petitioner's appointment was conditional and purely temporary, as he was appointed against the leave vacancy of one Awadhesh Kumar Singh, who had gone for accounts training. Further-more, the petitioner was not appointed as per the procedure. He further submits that the petitioner had earlier challenged the said order in C.W.J.C. No. 16748 of 2009, which was permitted to be withdrawn without liberty to file a fresh writ application, thereafter the instant writ application has been filed.

The relief sought for by the petitioner is fit to be rejected, as he had earlier moved this Court in writ jurisdiction, which has been sought to be withdrawn without the leave of this Court.

Subsequently, he cannot be treated as retrenched employee, as he was appointed against a leave post, as incumbent of the post had gone for accounts training.

In this view of the matter, I do not find any merit in this writ application and is accordingly, dismissed.

(Samarendra Pratap Singh, J.)

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