

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2096 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 10827 of 2013

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Ganesh Kumar Das Son of Late Rupan Das, Resident of Village- Bhawanipur, P.O-
Pathakdih, P.s.- Amdanda, District Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. Deputy Development Commissioner, Bhagalpur.
4. Deputy Development Commissioner cum Managing Director and Director,
Account Administration and Self Employment, District Rural Development
Authority, Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Jha, Advocate
Mr. Chandra Shekhar Sharma, Advocate
Mr. Dharendra Nath Jha, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 27-01-2017

I.A. No. 9702 of 2016

The application is for condonation of delay of 161 days
in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory
Application, we are satisfied that the appellant has shown sufficient
cause to seek condonation of delay in filing the present Letters
Patent Appeal.

3. Consequently, Interlocutory Application No. 9702
of 2016 of 2016 is allowed and delay in filing the Letters Patent
Appeal is condoned.



L.P.A. No. 2096 of 2016

The challenge in the present Letters Patent Appeals is to an order passed by the learned Single Bench on 19th of April, 2016 in C.W.J.C. No.10827 of 2013 whereby, writ application filed by the appellant for directing the respondents to provide works under National Rural Livelihoods Mission, a Central Government Scheme, was dismissed.

2. The writ application was dismissed in view of the averments made in paragraph 5 of the counter affidavit, wherein it was, *inter alia*, stated that Swarnjayanti Gram Swarozgar Yojana has been closed by the Government with a direction for settling all the pending liabilities and transfer of unutilized fund in the S.R.L.M. Account.

3. A perusal of writ application shows that the appellant relied upon an agreement executed with the appellant on 23rd of May, 2004 for training the male, female and physically handicapped group etc. within six months. Such period of contract was extended from time to time. However, the validity of the scheme was extended up to 28th of February, 2014. It appears that in the meantime another scheme was formulated by the Bihar Government under the name of Bihar Rural Livelihoods Progression Scheme. The applications were invited for filling up of 3500 vacancies when an advertisement was issued. The appellant did not apply to be appointed against the same



scheme for the lack of eligibility on account of age bar.

4. The assertion of the appellant is that the said scheme is within the purview of the Swarnjayanti Gram Swarozgar Yojana. Therefore, the appellant is entitled to be continued under the said scheme.

5. We do not find any merit in the argument raised. Both the schemes are different ones. The scheme upon which the appellant was appointed is formulated by the Central Government whereas the scheme, which was published vide Annexure-11, is by the State Government. Since the appointment of the appellant was under the scheme of the Central Government, therefore, after the expiry of scheme, the appellant cannot claim any right to continue under a different scheme framed by the State Government.

6. Consequently, we do not find any merit in the Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.02.2017
Transmission Date	N.A.

