

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15441 of 2007

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1. Basanti Devi, wife of Shri Munilal Mahton, resident of Jaadharganj, P.S. Buxar, District -Buxar
 2. Shivadhar Prasad, son of late Suraj Singh, resident of village – Belwania, P.S. – Bihia, District – Bhojpur (Ara)
 3. Raja Ram Singh, son of late Shiv Kailash Singh, resident of village – Lalganj, P.S. Mahdah, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Agriculture Marketing Board (Dissolved), Government of Bihar, Patna
3. The Secretary, Bihar State Agriculture Marketing Board (Dissolved) Pant Bhawan, Bailey Road, Patna
4. The Assistant Director, Agriculture Marketing Board (Dissolved) Patna
5. The Executive Engineer, Work Division, Agriculture Marketing Board (Dissolved) Patna
6. The Sub Divisional Officer – cum- Special Officer , Agriculture Produce Market Committee (Dissolved) Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh
Mr. Mrityunjay Kumar
Mr. Nawal Kishore Singh
Mr. Shashi Bhushan Kumar

For the Respondent/s : AC to GP No. 13
Mr. B.K.Singh Chouhan

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 02-05-2017

1. Heard learned counsel for the petitioners and learned AC to GP No. 13.

2. Three petitioners, have approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India with a prayer to quash an order contained in Memo No. 295 dated 12.2.2007 (Annexure – ‘1’ to the writ petition) issued under the



signature of Secretary, Bihar State Agriculture Marketing Board (Dissolved) (hereinafter referred to as “the Marketing Board”) which was addressed to Special Officer, Assistant Director and Executive Engineer whereby a direction was issued to stop taking work from daily wagers. It was indicated that if it is found that work from daily wagers is being taken, then in that event, the said wage shall be recoverable from the concerned officer. The petitioners have also prayed for quashing of office order contained in Memo No. 25 dated 15.2.2007 issued by the Special Officer, Marketing Board, Buxar (dissolved) whereby petitioners along with one another daily wager was informed that no work shall be taken from them. It has been claimed by the petitioners that petitioners have worked for several years as daily wager and as such, the order contained in Annexure ‘1’ and ‘2’ is fit to be set aside. It has also been prayed to direct the respondents to consider the case of petitioners for their regularization .

3. In this case counter affidavit and supplementary counter affidavit was filed on behalf of the respondent nos. 2 and 3 and a specific stand has been taken that in the year 2006 itself the Marketing Board was dissolved by the Repealing Act, 2006 , however, under the said provision a Committee was constituted regarding absorption /appointment of the employees of the Marketing Board. It is argued by learned counsel for the State that it



is not in dispute that petitioners were daily wagers and as such they may not be termed as employees of the Marketing Board.

4. Considering the fact that only by way of Annexure ‘1’ a decision was taken not to take any work from the daily wagers and vide Annexure ‘2’ petitioners were intimated of this issue, the Court is of the opinion that there is no error in such decision. Moreover, in view of the facts stated in the counter affidavit the Marketing Board has already been dissolved and only cases of employees were required to be considered for regularization / absorption and since the petitioners were daily wagers they had not acquired any indefeasible right. There is no need to pass any favourable order.

5. The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	C/A
Uploading Date	03-05-2017
Transmission Date	N/A

