

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.506 of 2014
IN
Civil Writ Jurisdiction Case No. 5614 of 2013**

- =====
1. Vijay Kumar, Son Of Late Rambali Singh, Resident Of Village And P.O. Badahi Jagdish, P.S. Purahia, District – Sheohar.
 2. Ram Pravesh Rai, Son Of Late Banwari Rai, Resident Of Danapur, Gola Road, P.O. Imlitar, P.S. Danapur, District – Patna.
 3. Vijay Kumar Gupta, Son Of Late Ram Dayal Sah, Resident Of Indra Nagar, Road No. 2, Postal Park, Patna.
 4. Om Prakash Saw, Son Of Ram Lagan Saw, Resident Of Village Navdih, Dhobia Kalapur, Naubatpur, District – Patna.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government Of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna.
5. The Additional District Magistrate, I/C IVth Grade Appointment Committee, Patna.
6. The Deputy Collector Establishment, Patna Collectorate, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarendra Kumar Singh, Advocate
For the Respondent/s : Mr. Md. M. N. H. Khan, S.C.1

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-07-2017

Having heard learned counsel for the parties we find that with regard to modality to be followed for selection and regularisation of the employees in question, the learned Writ Court has simply decided the issue based on the policy of the State Government with regard to an employee working minimum 240 days within a span of five years. However, while doing so, the panel prepared by the Department with



regard to the employees in question, namely who are engaged for spraying D.D.T. under the National Malaria Eradication Plan, the preparation of panel done and the implementation of the policy dated 29.06.2011 issued by the Director General of Administration which specifically refers to various criteria and procedure to be followed have not been adverted to. Merely by taking note of the policy pertaining to 240 days in a span of five years, the issue has been decided, whereas today while going through the supplementary affidavit filed by the petitioner, we find that on 09.02.2012 in Civil Writ Jurisdiction Case No.11798 of 2011, another Bench of this Court after taking note of the policy dated 29.06.2011 has directed the State Government to take action strictly on the basis of the aforesaid policy.

That being the position, as the issue in question has been decided without reference to the policy dated 29.06.2011 and an earlier judgment of this Court rendered on 09.02.2012 in CWJC no. 11798 of 2011, we deem it appropriate to remand the matter back to the Writ Court with a request to examine these questions and thereafter take a decision in the writ petition after hearing all concerned.

Accordingly, we allow this appeal, quash the order dated 17.01.2014 passed by the writ court in Civil Writ Jurisdiction Case No.5614 of 2013 and remand the matter back to the Writ Court for reconsideration in accordance to the observations made hereinabove.



The appeal stands allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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