

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19863 of 2016

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1. Kunal Kumar Sah, Son of Sri Kishore Kumar Sah, resident of At + P.O.- Palasi, P.S.- Palasi, District- Araria.
 2. Om Kumar Sah, Son of Sachidanand Sah, resident of village- Bikha, P.O.- Dehati, P.S.- Palasi, District- Araria.
 3. Mantu Kumar Sagar, Son of Rajendra Prasad Mandal, resident of Village- Mohania, P.O. & P.S.- Palasi, District- Araria.
 4. Ranjeet Kumar Choudhary, Son of Baleshwar Choudhary, resident of Village- Hasanpur, P.O. + P.S.- Palasi, District- Araria.
 5. Ardhendu Bikram, Son of Damodar Prasad Yadav, At- Gosipur, P.O.- Shondar Hat, P.S.- Palasi, District- Araria.
 6. Sanjay Kumar Son of Rameshwar Mandal resident of Village- Dhangama, P.O. + P.S.- Palasi, District- Araria.
 7. Md. Muzahid Alam, Son of Mustaq Alam, resident of Village- Peachily, P.O.- Balwa Dioury, P.S.- Palasi, District- Araria.
 8. Md. Ali Hasan, Son of Hasiburrahman, resident of Village- Peachily, P.O.- Balwa Dioury, P.S.- Palasi, District- Araria.
 9. Sangam Kumar, Son of Ramanand Yadav, resident of Village- Hasanpur, P.O. + P.S.- Palasi, District- Araria.
 10. Hajari Kumar Mandal, Son of Bidyanand Mandal, resident of Village- Garhara, P.O.- Urlaha, P.S.- Palasi, Peachily, P.O.- Balwa Dioury, P.S.- Palasi, District- Araria.
 11. Amit Kumar Yadav, Son of Om Prakash Yadav, resident of Village- Hasanpur, P.O + P.S.- Palasi, District- Araria.
 12. Umesh Kumar Mandal, Son of Gayanand Mandal, resident of Village- Mahendrapur, P.O.- Urlaha, P.S.- Palasi, District- Araria.
 13. Vijay Kumar Sah, Son of Sitaram Sah, resident of Village- Pokharia, P.O.- Madanpur, P.S. + District- Araria.
 14. Ganesh Vishwa, Son of Kailu Vishwas, resident of Village- Kanchanur, P.O.- Kankhudia, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary
2. The Principal Secretary, Planning & Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Co-operative Department, Government of Bihar, Patna.
4. The Director, Department of Planning & Development (Directorate of Economic & Statistics), Government of Bihar, Patna.
5. The District Statistical Officer, Araria, District- Araria (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Adv.
For the Respondent/s : Mr. Harish Kumar-GP8

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT



Date : 27-11-2018

Heard learned counsel for the parties.

The present matter relates to challenging the manner the State Government has scrapped the panel of Accredited Statistical Volunteer (ASV) prepared by the Planning and Development Department.

An advertisement was published by the Planning and Development Department of Government of Bihar, especially the Directorate of Economics and Statistics dated 12.2.2012.

In the advertisement, it was mentioned that the candidates must have a qualification of Intermediate and must be of 18 years as on 1.1.2012 not above 65 years, an examination was conducted and a panel was prepared district-wise. The petitioners are from the district of Araria and, in the panel, the name of the petitioners are standing at different serial number and, as and when required, their services used to be taken by the Administration cum State Government and they were paid the remuneration accordingly. Ultimately, the Government has scrapped the panel and that action of the Government was challenged by a group of persons in C.W.J.C. No. 11550 of 2016 and, in this case, the Court has refused to grant positive relief to the petitioners and has given observation which is as follows:-

“For the reasons so discussed, I am not persuaded to either interfere with the Cabinet resolution or with the order of the Planning department issued thereunder, a copy of which has been placed on record vide Annexure 'C' to the counter



affidavit filed in CWJC No. 11550 of 2016 but with a rider that in case the State would be in need of the services of the Accredited Statistical Volunteers then the claim of these petitioners may be considered for such engagement considering the experience gained and the training undergone by these petitioners over the period of time and even if the State would decide to look for fresh aspirants, due weightage be given to the case of these petitioners including age relaxation.”

This judgment has been affirmed in L.P.A. No. 535 of 2017 and the parties are in agreement that the matter has reached its finality.

In that view of the matter, the petitioners of this writ application are granted the same relief as has been granted to Shambhu Kumar and others as mentioned herein above.

This writ application is, accordingly, disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2018
Transmission Date	

