

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7184 of 2016

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1. Vishal Kumra Sharma son of Nakul Kumar Sharma, resident of Mohalla- Kalyanpur, P.S. & Distt.- Jamui
 2. Prabhat Kumar Sinha son of Harishankar Prasad, resident of Village- Garsanda, P.S. & Distt.- Jamui
 3. Ramesh Kumar Saw son of Sita Ram Saw, resident of Mohalla- Kalyanpur, P.S. & Distt.- Jamui
 4. Mukesh Kumar son of Sri Ramanand Singh, resident of village- Kharhui, P.S.- Khaira, Distt.- Jamui
 5. Rahul Kumar son of Ramanuj Singh, resident of Mohalla- Naya Tola, Mahisauri, P.S. & Distt. Jamui
 6. Md. Ansarul Haq son of Md. Azazul Haq, resident of village Sono, P.s. Sono, District Jamui

.... Petitioners

Versus

1. The State of Bihar through District Magistrate, Jamui
2. Principal Secretary, Panchayti Raj, Government of Bihar, Patna
3. District Magistrate, Jamui
4. District Panchayti Raj Officer, Jamui

.... Respondents

with

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Civil Writ Jurisdiction Case No. 9353 of 2016

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1. Arbind Kumar, son of Krishna Sah resident of Village- Khairma, P.S. Jamui, Dist- Jamui.
2. Nitish Kumar son of Lakhan Sah, resident of Village- Khairma, P.s.- Jamui, Dist- Jamui

.... Petitioners

Versus

1. The State of Bihar through District Magistrate, Jamui
2. Principal Secretary, Panchayati Raj, Government of Bihar, Patna.
3. District Magistrate, Jamui.
4. District Panchayati Raj Officer, Jamui.

.... Respondents

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Appearance :

(In CWJC No.7184 of 2016)

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Adv.
Mr. Rajesh Kumar Sinha, Adv.

For the Respondent/s : Mr. Anisul Haque, AC to AAG-5
(In CWJC No.9353 of 2016)

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Adv.
Mr. Rajesh Kumar Sinha

For the Respondent/s : Mr. Rajiv Roy, GP-1
Mr. Arun Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 08-01-2018

Heard learned counsel for the parties.

The petitioners in these two writ petitions were appointed on contractual basis against the post of Executive Assistant which contractual appointment is for a period of one year. The grievance of the petitioners herein is that they were removed from their contractual employment midway on the pretext that the scheme has been dropped. It is the complaint of the petitioners that the respondents have initiated fresh empanelment which was contrary to the stand and even though the petitioners had been in employment, yet they were put down below in the panel and thus denied placement.

A supplementary counter affidavit has been filed on behalf of the Panchayati Raj Department and paragraph 4 of the supplementary counter affidavit does deal with the issue to inform that the panel which led to appointment of the petitioners has lost its force and that fresh panel was prepared on 30.5.2015 in which the name of petitioners no. 1, 2 and 5 in C.W.J.C.No. 7184/2016 figures at serial nos. 32, 56 and 45 respectively but the name of petitioners no. 3, 4 and 6 does not figure because they failed to appear in the test so held. It is further mentioned that since engagement under EBC category could be done only upto serial no.30 and in the general



category until serial no.24 that these petitioners could not find engagement.

A similar statement is made in paragraphs 6 to 8 of the supplementary counter affidavit filed on behalf of the Department in the second writ petition in which it is stated that while petitioner no.1 Arbind Kumar did not participate in the test, petitioner no.2 Nitish Kumar did participate and was placed at serial no.65 of OBC category but since the appointment was made only upto serial no.26, hence he could not find engagement.

Although Mr. Pandey has very strenuously argued as regarding premature termination of contractual engagement of the petitioners but it is not in dispute that such premature termination was never questioned by the petitioners nor they did chose to question fresh empanelment rather most of them have participated in the same and do figure in the panel. There is again no challenge to empanelment and/or placement in the panel.

In the circumstances so discussed and considering that the engagement of these petitioners was purely contractual, the situation explained above does not require any indulgence to the prayer of the petitioners for extension or renewal of their expired engagement and in so far as placement in the panel is concerned, the petitioners shall be at liberty to approach departmentally.



In the nature of the dispute engaging, the writ petitions are disposed of with an advice to the respondents to consider the claim of these petitioners in view of their earlier engagement, and experience grained in case their services are required for the purpose.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.01.2018
Transmission Date	NA

