

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.566 of 2015

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1. Asha Kumari wife of Sri Subh Nath Jha resident of village - Mohanpur, Police Station - Harlakhi, District - Madhubani, Presently posted as Gram Sevika, Block - Harlakhi, District - Madhubani
 2. Neelam Kumari Wife of Sri Ashok Kumar Choudhary resident of village - Kanakpura, Police Station - Jhanjharpur, District - Madhubani, Presently posted as Gram Sevika Block Madhepur, District - Madhubani
 3. Saroj Devi wife of Late Chandra Shekhar Jha resident of village - Bhakdari, Police Station - Aren, District - Madhubani, presently posted as Gramsevika Harlakhi Block, District - Madhubani
 4. Rekha Wife of Sri Panch Lal Jha resident of village - Bardha Police Station - Babubarhi, District - Madhubani, Presently posted as Gram Sevika, Lokahi Block, and District - Madhubani
 5. Neelam Devi wife of Nagendra Bhushan Mallick resident of village - Bhithi Salempur, Police Station - Pandaul, District Madhubani, Presently posted as Gram Sevika Basopatti Block, District - Madhubani
 6. Nisha Kumari wife of Late Vinod Kumar resident of Mohalla - Azam Nagar, Police Station L.N.M.U. Darbhanga, District - Madhubani
 7. Kumari Asha wife of Chaudhary Vijay Kumar Rai Resident of village - Jalalpur, Police Station - Dalsighsarai, District - Samastipur, presently posted as Gram Sevika Jitwarpur Block, District - Samastipur
 8. Ashok Devi wife of Sri Charitra Das resident of village - Malhurapur, Police Station - Police Station - Waish Nagar, and District - Samastipur presently posted as Gram Sevika Hashanpur, District - Samastipur
 9. Renu sinha Wife of Sunil Kumar Srivastva resident of village - Tajpur Road, Dharampur Mahatma Colony, Police Station - Ujiyarpur, District - Samastipur, presently posted as Gramsevika, Ujiyarpur Block, District - Samastipur

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Rural Development Department, Government of Bihar, Patna
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna
3. The Principal Secretary, Finance Department, Government of Bihar, Patna
4. The District Magistrate, Madhubani
5. The Additional District Magistrate (Establishment), Madhubani
6. The District Magistrate, Samastipur
7. The Additional District Magistrate (Establishment), Samastipur
8. The Deputy Development Commissioner, Madhubani
9. The Deputy Development Commissioner, Samastipur

.... Respondents

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Appearance :

For the Petitioners : Mr. Anand Kr. Ojha, Advocate and
Mr. Ashok Kumar Karna, Advocate
For the Respondents : Mr. Arvind Kumar, AC to GA 9

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT



Date: 19-03-2018

Heard learned counsel for the petitioners and the State.

2. Submission is made on behalf of the petitioners that though the petitioners have been working as Gram Sevika since 1984 to 1987, till date the terms and conditions of their service have not been decided and as such the District Magistrate, Madhubani has cancelled the ACP promotion granted to petitioners no. 1 to 6 by the impugned order dated 26.10.2013, Annexure 12, wherein petitioners no. 7 to 9 have not been granted the ACP promotion till date.

3. Learned counsel for the petitioners submits that under the programme by the same Department, the Government in respect of Lady Extension Officer has finalized their service conditions by formulating "Samvarg Niyamawali". He submits that though the petitioners are similarly situated as the Lady Extension Officer inasmuch as they have been serving under the programme for the equivalent period. It is also submitted that service of the instant petitioners have already been absorbed under Resolution dated 22.9.2007 and as such the uncertainty being maintained in respect of the petitioners is prejudicial, whereas the Lady Extension Officers have been granted proper status but in respect of petitioners, no cadre rules have been framed and they allege that they are being discriminated against. It is also submitted that in view of similarity



with the Lady Extension Officers, the Government under its own litigation policy, is also obliged to maintain parity in respect of the petitioners with the said Lady Extension Officers.

4. Since, no decision has been taken by the Government till date, this Court would leave it open for the respondents to take a decision in respect of claim made by the petitioners.

5. In order to make effective representation for consideration of the claim, this Court grants liberty to the petitioners to submit a comprehensive and detailed representation of their claims, also citing the case of similarly situated Lady Extension Officers, before the Principal Secretary, Rural Development Department, Government of Bihar, Patna (respondent no.2). Upon such representation being made along with a copy of this order, respondent no.2 would be obliged to take a final decision by a reasoned and speaking order within a period of three months thereafter.

6. With the aforesaid observations, the writ petition stands disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	
CAV DATE	NA
Uploading Date	21.3.2018
Transmission Date	NA

