

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18800 of 2014

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1. Prabhat Kumar S/O Mithilesh Ray, Resident of Village- Prayag Chak Auri, Dist- Muzaffarpur
 2. Damodar Kumar Chanchal S/o Bishwanath Ray resident of Village- Gawsara, P.O.- Kishunpur, Madhuwan Turki, Muzaffarpur
 3. Nand Kishore Paswan, S/o- Ram Naresh Paswan, Resident of Village- Madhusudanpur, Dubha, Chandan Patti, P.S.- Sakara, Muzaffarpur
 4. Abhishek Kumar S/o- Late Ravindra Prasad Srivastava Resident of Magika Harikesh, P.O.- Majika, Via- Silot, P.S.- Mushahri, District- Muzaffarpur
 5. Shanni Kumar S/o- Late Devendra Prasad Singh, Village- Yogenath, P.O.+P.S.+Dist- Muzaffarpur
 6. Basant Kumar S/o- Sri Moti Lal, Resident of Mohalla- Chata Bazar, Near Mai Sthan, Dist+Town- Muzaffarpur ... Petitioners

Versus

1. The State of Bihar, through Chief Secretary, Patna
2. The Director, Bihar Administrative Reform Mission Society (General Administration), Govt. of Bihar, Patna
3. The Principal Secretary, Agriculture Department, Govt. of Bihar, Patna
4. The District Magistrate, Muzaffarpur
5. The Deputy Election Officer-cum- District Magistrate, Muzaffarpur
... Respondents

Appearance :

For the Petitioners : Mr. Satyendra Kumar Sinha, Adv.
For the Respondents : Mr. Uma Shankar, GP IV

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 15-05-2018

Heard the learned counsel for the petitioners and the State.

It is the petitioners' case that they were appointed pursuant



to Advertisement No. P.R. No. 1135 (NINI) 2011-2012 as Executive Assistants. It is submitted that though the advertisement was for appointment on contractual period of one year and their appointment was made under Annexure 2, which is an order of the District Election Office in the Muzaffarpur Collectorate for a period of six months, but, they have been removed on completion of four months.

The appointment of the petitioners is dated 30.01.2012. From the representation of the petitioners which has been placed on record at Annexure 5 it is apparent that they actually worked for four months, i.e., from 01.10.2012 to 31.01.2013. The petitioners claim that they are entitled to be reinstated or continued on contractual post.

It is prayed that since others, who have been appointed on contractual basis in other districts, have been granted extension, petitioners should also be granted extension of their contract period and by reinstating them they should be continued in service.

Specific stand of the respondents is that there was clear direction from the Bihar Administrative Reform Mission Society (General Administration), Government of Bihar, Patna, that the Executive Assistants are not required further as the revision work of Electoral Roll, 2013, was completed. The admitted case of the petitioners is that they have been engaged to perform the duty in the



elections which were on going at that time. The petitioners cannot claim a right for further extension merely because in other districts the same was granted considering the nature of work the others were performing, the petitioners are not entitled to same benefit as they were engaged for work in relation to Elections, which was completed.

It is also submitted by the petitioners counsel that one Khushbu Kumari had earlier been engaged along with the petitioners in 2011 and has subsequently been engaged in the year 2018, and as such he could also be engaged. Reference to the same does not enure to benefit to the petitioners as evidenced from the order, dated 23.02.2018. From the order of the Collectorate, Muzaffarpur, it is evident that Khushbu Kumari has been engaged in the year 2014 pursuant to fresh process and in a different department. The same will not create any right in the petitioners to claim that their engagement, which was for the purpose of election work shall be continued. It is also not the case of the petitioners that Khushbu Kumari has been granted any benefit by virtue of her past service completed on contractual basis in the year 2013, along with the petitioners.

In the aforesaid situation, there is no occasion for this Court to exercise its jurisdiction by issuing the order in favour of the petitioners since the contractual tenure of the petitioners has been completed in the year 2013 itself and the dues arise in service rendered



by the petitioners, have been paid to the petitioners, there is no occasion for this Court to issue direction in favour of the petitioners.

The writ petition is, therefore, devoid of any merit and is **dismissed.**

(Madhuresh Prasad, J)

Shamshad/-

