

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20304 of 2011

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1. Saiyad Taquee Imam Quadari Son Of Late Abdul Qudus Quadri Resident Of Village - Amjhar Sharif, P.S.- Haspura, Distt.- Aurangabad (Bihar)
 2. Pramod Kumar @ Pramod Kumar Singh Son Of Late Hiralal Singh Resident Of Village - Purhara, P.S. - Haspura, Distt.- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State Of Bihar , Through The Director General Of Police, Bihar, Patna
2. The Inspector General Of Police (Abhiyan), Bihar, Patna
3. The Deputy Inspector General Of Police, Magadh Range, Gaya
4. The District Magistrate, Aurangabad (Bihar)
5. The Superintendent Of Police, Aurangabad , (Bihar)
6. The Deputy Superintendent Of Police Daudnagar, Aurangabad, (Bihar)
7. The Sub Divisional Office, Daudnagar, Aurangabad, (Bihar)
8. The Treasury Officer, Aurangabad, (Bihar)
9. The Office-Incharge, Haspura, Aurangabad, (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Chandra Pd. Bharti, Adv.
For the State : Mr. Manoj Kr. Ambasta, SC-26
Mr. Balram Kapri, AC to SC-26

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 31-08-2018

Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners in the writ application challenge the letter no.
2040 dated 22.09.2011 as contained in Annexure-1 issued by the
respondent no. 5, the Superintendent of Police, Aurangabad, Bihar



whereby the services of the petitioners have been stopped w.e.f. 01.09.2011.

Learned counsel for the petitioners submits that in pursuance to the order of the Director General of Police, Government of Bihar, Patna dated 28.06.2009, all the SHOs of the different police stations were directed to select 147 fit and suitable candidates for engagement of Special Police Officers (SPOs) for financial year 2010-11. Against the recommended names of 147 candidates 139 candidates were engaged including the petitioners. However, the terms and conditions of the said service was purely contractual on payment of Rs. 1500/- per month. Out of 147 candidates, recommended 139 candidates were appointed as Special Police Officers (SPOs) which contains the name of the petitioners as contained in Annexure-3. By the orders of the D.M., Aurangabad which is Annexure-A/1 to the counter affidavit, work was taken from the petitioners between April, 2010 till March, 2011 which was further extended between 10.08.2011 to 31.08.2011 and thereafter their work was stopped w.e.f. 01.09.2011 vide the impugned order which is under challenge.

It has been submitted by the learned counsel for the petitioners that in other places and even in Aurangabad District, the SPOs are deputed for collection of information and for curbing crime



in naxal hit areas, hence the order dated 01.09.2011 is discriminatory.

Learned counsel for the State, however, submits that the petitioners were appointed on purely contractual basis for monthly honorarium for the financial year 2010-11 and some work was taken from them between 10.08.2011 to 31.08.2011 and since it was a contract for service and not contract of service therefore, this writ application is not maintainable as it was a purely contractual engagement. I am in agreement with the contention of the learned counsel for the State. The petitioners were engaged on contract for an honorarium and when contract ended the work ended as such, the order dated 01.09.2011 as contained in Annexure-1 calls for no interference.

This writ application being devoid of merit, not maintainable, is dismissed.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2018
Transmission Date	NA

