

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19833 of 2011

1. Anjani Kumar Son Of Sri Pradip Kumar Singh Resident Of Village - Baroutha , Post Office - Karanja, Police Station - Shambhuganj, District- Banka
2. Sujeet Kumar Son Of Sri Ajay Kumar Resident Of Village- Chandpura Bela, Post Office - G.P.O., Police Station - Jakkanpur, District - Patna
3. Upendra Kumar Son Of Sri Ashok Kumar Resident Of Mohalla - Chandpura Bela, Pani Tanki, Jakkanpur, District - Patna
4. Amit Kumar Son Of Sri Mani Shankar Sah Resident Of Village - Rupaspur, Post Office Sahay Nagar, Police Station - Rupaspur, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Government Of Bihar, Main Secretariat, Patna
3. The Development Commissioner, Government Of Bihar, Patna
4. The Agriculture Production Commissioner-Cum-Secretary, Department Of Agriculture, Government Of Bihar, New Secretariat, Patna
5. The Director, Agriculture , Department Of Agriculture, Government Of Bihar, New Secretariat, Patna
6. The Secretary, Agriculture Department, Government Of Bihar, New Secretariat, Patna
7. The Principal Secretary, Finance Department, Government Of Bihar, Main Secretariat, Patna
8. The Principal Secretary, General Administrative Department, Government Of Bihar, Main Secretariat, Patna
9. The Director Administration, Department Of Agriculture, Government Of Bihar, Main Secretariat, Patna
10. The Joint Director, Administration, Department Of Agriculture , Government Of Bihar, New Secretariat, Patna
11. The Principal Secretary, Water Resources Department, Main Secretariat, Patna
12. Koshi Camand Regional Development Agency, Saharsa Through Its Managing Director
13. The Chairman-Cum-Managing Director, Gandak Camand Area Development Agency, Muzaffarpur
14. The Sone Command Area Development Agency (Scada), Patna Through Its Regional Development Commissioner-Cum-Chairman
15. The Regional Development Commissioner-Cum-Chairman, Kiul Badhus Chanan Command Area Development Agency Bhagalpur
16. The Principal Secretary, Agriculture (Special Programme) Government Of Bihar, New Secretariat, Patna

... .. Respondent/s

Appearance :

For the Petitioners : Mr. Sanjeev Kumar Mishra, Advocate.
For the Respondents No. 12 and 13: Mr. S. C. Jha-3, Advocate



For the State

: Mr. Krishna Kr. Singh, A.C. to G.P. 22

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 26-11-2018

Heard learned counsel for the petitioners and the State.

2. The petitioners are diploma holders and they seek a direction to the respondent authorities for creation of a special post of Junior Agriculture Engineer as part of Bihar Subordinate Agriculture Services (Category-2).

3. This Court is afraid such a prayer in the first instance, is untenable.

4. However, finding that this petition has been entertained and earlier an order has been passed directing the respondent authorities to take into account the representation of the petitioners and similarly situated persons, this Court can only say that in case some posts are vacant in various Camand Area Development Authorities, the same may be considered to be filed by these diploma holders who have spent three years of their education time in securing such diploma.

5. However, before saying that, this Court has gone through the stand of the State Government which *inter alia* is that since 1989, there has not been any appointment on such posts because most of the Camand Area Development Authorities are now without work. In



fact, all such Camand Area Development Authorities have been dissolved and merged with Water and Land Management Institution (WALMI).

6. However, reply to the counter affidavit filed on behalf of the respondents no. 4, 5, 6, 9 and 10 indicates that about seven posts are still vacant and a decision has been taken for creation of 53 posts of Junior Agriculture Engineer. If this be so, the authority shall take into account that the petitioners have been litigating for last several years for being appointed to the aforesaid posts for which they consider themselves to be suitably qualified.

7. In case there is any requirement felt by the respondent authorities, they would consider the case of the petitioners and in case the vacancy continues or arises and an advertisement is issued, they would be given the opportunity of presenting themselves for being considered for the post of Junior Agriculture Engineer.

8. With the aforesaid observation, the writ petition is disposed off.

(Ashutosh Kumar, J)

krishna/-

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

