

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 2226 of 2015

In

Civil Writ Jurisdiction Case No.14230 of 2014

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1. Manoj Kumar Mishra, Son of Sri Dharm Nath Mishra
Resident of village Mukhtiyarpur, P.S. Dalsinghsarai,
District Samastipur.
 2. Prabhat Kumar Singh, Son of Late Ram Raj Sinha
Resident of village Kishunpura, P.S. Basantpur, District
Siwan.
 3. Ganesh Kumar, Son of Sri Shashidhar Pandit Resident of
RAU Campus, near BSNL Campus, P.S. Pusa, District
Samastipur.
 4. Nabo Kumar Bose, Son of Late Nirmal Chandra Bose
resident of teachers colony, near High School, Pusa, P.S.
Pusa, District Samastipur.
 5. Bharat Prasad Thakur son of Late Hari Nandan Thakur
resident of village Dubha, P.S. Sakra, District
Muzaffarpur.
 6. Jagarnath Prasad @ Jagarnath Prasad Roy son of Sri
Ram Ashish Roy resident of village Braham Patti, P.S.
Bahera, District Darbhanga.
 7. Dinesh Kumar Verma son of Sri Ram Narayan Lal Verma
resident of village Sisai, P.S. Saharsa, District Saharsa.
 8. Ranjeet Kumar @ Ranjit Kumar son of Late Jagdish
Prasad Singh resident of Mohalla - Gaighat,
Gaurishankar Colony, P.S. Alamganj, District - Patna.
 9. Ram Shankar Roy son of Late Rameshwar Roy resident
of village Maloul, P.S. Bahera, District Darbhanga.
 10. Arun Kumar Roy son of Sri Ram Lochan Roy resident of
Pusa, P.S. Pusa, District Samastipur.
 11. Ram Shewak Singh @ Ram Sewak Singh son of Sri
Ramjee Singh resident of village Muroul, P.S. Sakra,
District Muzaffarpur.
 12. Jagarnath Prasad @ Jagarnath Prasad Yadav son of Late
Makhan Prasad Yadav resident of village Sisai, P.S.
Saharsa, District Saharsa.
 13. Upendra Rai son of Late Sakal Rai Resident of village
Mathana Milk, P.S. Mahua, District Vaishali at Hajipur.

... .. Appellant/s

Versus



1. The Union of India through Ministry of Agriculture, Department of Agriculture and Cooperation, Directorate of Economics and Statistics, Krishi Bhawan, New Delhi through its under Secretary, Government of India.
2. The State of Bihar through Agriculture Production Commissioner, Department of Agriculture, Government of Bihar, Patna.
3. The Rajendra Agriculture University, Pusa Samastipur through its Vice Chancellor.
4. The Registrar, Rajendra Agriculture University, PUSA Samastipur.
5. The Director Administration, Rajendra Agricultural University, Pusa, Samastipur.
6. The Officer In-charge, Comprehensive Cost of Cultivation Scheme Rajendra Agriculture University, Pusa, Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Arjun Kumar, Advocate.

: Mr. Alok Kumar, Advocate.

For the Respondent (UOI): Mr. S.D. Sanjay, Addl S.G.

: Dr. Punam Kumari Singh, CGC

For the University : Mr. Arvind Ujwal, Advocate.

For the State : Mr. Sajid Ali Khan, SC-25

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE JUSTICE SMT. ANJANA

MISHRA

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 05-01-2018

Heard learned counsel for the appellants, Union of India,
University and the State.

This intra court appeal is directed against the judgment dated 07.10.2015 passed by a Single Judge Bench of this Court in CWJC No. 14230 of 2014 by which the writ application of the writ petitioners was dismissed. The appellant-petitioners filed



the aforesaid writ petition chiefly for quashing of Annexure-8 which is letter No. 10/Niyu/21/2000/119/RAU Pusa dated 23.04.2011 whereby the respondent university has modified the name of the post advertised in Annexure-4.

Vide Annexure-4, the post of Field Overseer (Fieldman) was advertised and selection was to be made from the working casual labourers of the Rajendra Agricultural University now known as Rajendra Agricultural Central University. Subsequently, vide Annexure-8, the name of the post was modified to be read as Fieldman in place of Field Overseer (Fieldman) in terms of direction of the Agriculture Ministry through the letter which has been incorporated in writ petition. Thereafter, the petitioners were appointed. The appointment letter of writ petitioner no. 2, Prabhat Kumar Singh has been brought on record as Annexure-9. It is apparent therefrom that appointment was on the post of Fieldman on the scale of Rs. 3050-4590. The writ petitioners were appointed, joined and worked for more than two years and, thereafter, the dispute arose with respect to grade pay as the petitioners were offered grade pay of Rs. 1900/- whereas the Field Overseer (Fieldman) of the University was being given a grade pay of Rs. 2400/-.



Thereafter, present writ petition came to be filed challenging the aforesaid modification in the advertisement vide Annexure-8.

It is apparent from Annexure-4, which is the advertisement, that the employment was offered under “Comprehensive scheme for studying the cost of cultivation of principal crops of India” (in short C.S.S.) and not under the Rajendra Agricultural University. It is further apparent from the footnote “K” that the selection/appointment of the concerned for the said scheme would stand terminated automatically with the completion of scheme. Thus, the petitioners’ claim that they should be given parity with the regular employees of the Agricultural University is difficult to be accepted.

That apart, the footnote “Kha” of the advertisement (Annexure-4) clearly lays down that the University retained the right to modify or change the number of posts or make a change in the name of the posts. Since this advertisement has not been challenged it would be very difficult to this Court to accept the challenge made on behalf of the appellants to Annexure-8 as that right was already reserved by the University specially when the challenge is being made after about two years.

Learned Single Judge has taken a view that the petitioners are not the employees of University then they cannot



seek parity with regular employees of the University. Petitioners have willingly applied against the advertisement. At the relevant point of time, the modification in the name of post was also not challenged by them. They accepted it when they were appointed. They joined and worked for more than two years.

In above view of the matter, since we also cannot hold for the reasons mentioned above that the writ petitioners should be given parity with the regular employees of the University, we don't find any error in the views expressed by learned Single Judge.

In the result, this appeal fails and is, accordingly, dismissed. However, there would be no order as to costs.

(Dr. Ravi Ranjan, J)

(Anjana Mishra, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.01.2018
Transmission Date	NA

