

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.535 of 2018

- =====
1. Nityanand Rai son of Late Sachidanand Chaudhary, resident of Village- Chila, P.S. Teghra, District- Begusarai, at present working on post of Technical Supervision Block Cheriabariyarpur, District- Begusarai.
 2. Bal Mukund Singh, son of Hari Shankar Prasad Singh, resident of Ward No. 40, Sarvodaya Nagar, P.S.- Town, District- Begusarai, at present working on post of Technical Supervisor Block- Begusarai, District- Begusarai.
 3. Krishna Murari, son of Ram Chandra Prasad Singh, resident of Village- Bhairvar, P.S.- Muffasil, District- Begusarai, at present Technical Supervisor Block Balia at Begusarai.
 4. Navin Kumar son of Late Bishundeo Chaudhary, resident of Village- Chanak Nagar, Mahamadpur, P.S.- Town, District- Begusarai. At present Technical Supervisor Block- Begusarai, District- Begusarai.
 5. Bipin Kumar Singh, son of Mohan Singh, resident of Ward No. 20 Ratanpur, P.S.- Town, District- Begusarai, at present Technical Supervisor Block Matihari, District- Begusarai.
 6. Pramod Singh son of Lae Badri Singh, resident of Village- Brindavan, P.O.- Dafarpur, P.S.- Naokothi, District- Begusarai, at present Technical Supervisor Block Bakhri District- Begusarai.
 7. Anand Singh, son of Ram Lakhan Singh, resident of Village- Mousaidpur, P.S.- Barauni, District- Begusarai at present Technical Supervisor Block Bachchwara District- Begusarai.
 8. Vijay Kumar Jha son of Late Chandra Shekhar Jha, resident of Village- Sanjat, P.S.- Bhagwanpur, District- Begusarai, at present Technical Supervisor Block Teghra, District- Begusarai.
 9. Hare Krishna Rai son of Late Ahik Lal Rai, resident of Village- Jagdishpur, P.S.- Bhagwanpur, District- Begusarai, at present Technical Supervisor Block Mansoorchak, District- Begusarai.
 10. Prabhanjan Kumar, son of Devn Narayan Yadav, resident of Village- Bari Balia, P.S.- Balia, District- Begusarai, at present Technical Supervisor Block Sahebpur Kamal, District- Begusarai.
 11. Shiv Prakash Rai, son of Late Dinesh Rai, resident of Village- Nawada, P.S.- Teyay, District- Begusarai, at present Technical Supervisor Block Bhagwanpur, District- Begusarai.
- Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Human Resource Department, Govt. of Bihar, Patna.
 2. The Director, Primary Education, Govt. of Bihar, Patna.
 3. The Director Bihar Education Project Council, Patna.
 4. The Civil Work Manager Bihar Education Project Council Patna.
 5. The District Magistrate, Begusarai.
 6. The District Education Officer cum Co-ordinate Officer Sarva Shiksha Abhiyan, Begusarai.
 7. The In-charge of Department of Civil Work, Sarva Shiksha Abhiyan, Begusarai.
 8. The Account Officer, Bihar Education Project, Begusarai.
 9. The District Education Officer, Begusarai.
- Respondent/s
- =====



Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha
For the Respondent/s : Mr. Prabhakar Jha -GP27
For respondent-BEPC : Mr. Girijish Kumar

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date: 05-09-2018

1. The learned counsel for the parties are in agreement that the present case is covered by a judgment dated 13.11.2009 passed in CWJC no. 11473 of 2009 by a learned Single Judge of this Court, relevant paragraphs whereof are reproduced hereinbelow :-

This Court finds that the Government policy for engagement of persons like the petitioners narrating all its details in a letter dated 27.03.2003 at Annexure-2 to CWJC no. 11473 of 2009 explicitly states that they were to be engaged for technical supervision and monitoring at a maximum of 2.5% of the estimated cost of construction. Any error committed by any functionary of the Council or the State by publishing advertisement, inviting applications in excess of the policy decision deleting or obliterating the words 'maximum' cannot lay a foundation for cause of action before the writ Court. Moreover, the relationship between the parties is purely contractual. The jurisdiction of this Court to interfere shall be extremely circumscribed and shall warrant interference only in the event that the action of the Respondents was completely arbitrary, devoid of logic or reason, policy and legitimate expectations of those they had invited.

A similar question came up before this Court in CWJC no. 13762 of 2009 in which also similar arguments were advanced that the honorarium cannot be reduced from 2.5% to 1% and it must be paid at 2.5% only. The matter was heard at length, whereafter being unable to persuade the Court to interfere the writ petition was withdrawn to pursue departmental remedies on 30.10.2009.



This Court finds no reason to arrive at any different conclusion in the present writ applications. They are, accordingly, dismissed.

2. In view of the aforesaid, there is no merit in the present writ petition, hence the same is dismissed.

(Mohit Kumar Shah, J)

rinkee/-

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

