

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19791 of 2018

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1. Yogita Singh, Daughter of Sri Ramjee Singh, Resident of Mohalla- Civil Line, Ward No. 17, near Jai Ram Atta Mill, P.S- Town Buxar, District-Buxar.
 2. Punita Kumari, Wife of Sanjay Kumar, C/o- Prof. Mani Shankar Parasad, Resident of Mohalla- Gajadhar Ganj, Collectriate Road, P.S.- Town Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Social Welfare, Govt. of Bihar, Patna.
3. The Director, I.C.D.S. Bihar Patna.
4. The Divisional Commissioner, Patna.
5. The District Magistrate, Buxar.
6. The District Programme officer, I.C.D.S. Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Singh, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha -GA7
		Mr. Sushil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 30-07-2019

Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners were selected as Lady Supervisor but on the complaint made by Smt. Bindu Kumari, the matter was considered by the Commissioner, Patna Division, found that the process of selection suffers from illegality and vide order dated 08.08.2018 has passed the order for fresh selection.



Counsel for the petitioners submits that they were appointed on contract basis and it cannot be substituted by another set of person on contract basis, the direction of the Commissioner for fresh selection is completely illegal and again submitted that before termination of service, the petitioners were not heard and the illegal order has been passed, placed reliance on the two judgments, one from this Court in the case of Bimlesh Kumar Pandey and Ors. Vs. The State of Bihar and Ors. (CWJC No.20957) and another judgment of Delhi High Court in W.P. (C)No.1958/2017 (Anil Lamba and Ors. Vs. Govt. of NCT and Ors.) on the proposition that one set of contractual appointee will not be substituted by another set of contractual person, may not be wrong proposition, but in those cases the question was not involved with regard to adoption of wrong procedure of selection and, as such, the judgments, which have been placed reliance by the petitioners have no application in the present case as the order has been passed on the premise and matrix of failure to follow fair procedure in selection which has been recorded by the Commissioner after full discussion and in positive manner has arrived to a finding that the entire process of selection suffers from illegality. Further the petitioners submit that they were not given a hearing but the order of the Commissioner shows that the



Commissioner after hearing the parties has passed the final order. Even presuming that the petitioners were not given opportunity of hearing, but the question in the present case is that the period of contractual appointment is over and the Commissioner has done nothing wrong, but only arrived to a finding that in the selection process, wrong has been committed and has recommend for fresh selection.

This Court does not find any error in the order of the Commissioner and the petition is dismissed.

(Shivaji Pandey, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
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