

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12428 of 2014

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Suraj Pandey S/o Sri Gama Pandey Resident of Village Achuara, Police Station Barh, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Department of Animal and Fisheries, Govt. of Bihar, Patna
2. District Magistrate, Patna.
3. The District Fisheries Officer-cum-Chief Executive Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Verma, Advocate Mr. Santosh Kumar Sinha no. 2, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, AAG 4 Sanjay Kumar AC to AAG 4.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 08-04-2019

Petitioner was earlier discharging duties on contractual basis for doing survey of ponds. The engagement was on contractual basis by the Fisheries Department. Other similarly situated as the petitioner had raised the issue that since they had been discharging contractual duties, they were required to be empanelled while the issue of regularization was being considered of daily wage employees. The issue was considered by this Court in proceedings arising out of C.W.J.C. No. 19517 of 2012 and the Court had observed that the State authorities while preparing the panel for appointment of Class IV posts may consider inclusion of the petitioners in the panel. Claims of the petitioners were rejected. Where after they again moved this



Court in C.W.J.C. No. 14365 of 2013. Petitioners therein were similarly situated as the instant petitioner discharging duties on contractual basis, this Court has disposed off the writ petition as follows :

“Having considered the rival contentions of the parties, it is absolutely clear that the petitioners were engaged for a particular purpose as an Surveyor to give report to the status of the pond which itself connotes that it was only for a contractual period and for certain purpose and, thereafter, after completion of that purpose, the relation of employer and employee is vanished. This Court makes it clear that if an advertisement is published by the State Government or the Collector, the petitioners will have equal right to participate in the selection process and while selecting the candidate, their qualification and experience will also be taken into consideration.

With the aforesaid observation, this application is disposed of.”

Order dated 10.11.2016 passed in C.W.J.C. No. 14365 of 2013 is squarely applicable to the claim of the petitioner.

Petitioner’s claim is thus a “covered matter”. Having regard to the provisions contained in Clause 4. C(1) of the Bihar State Litigation Policy, 2011, this Court would only



observe that being a covered matter, the same right will flow to the petitioner as in favour of the petitioners of **Jai Prakash Paswan vs. the State of Bihar** under order dated 10.11.2016 passed in C.W.J.C. No. 14365 of 2013. Petitioners will also have equal right to participate in selection process, if an advertisement is issued, having regard to their qualification and experience.

Writ petition stands disposed off.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

