

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 14069 of 2014

1. Nand Kishore Singh son of late Mahendra Narayan Singh resident of Village and P.O. - Sahpur, P.S. - Gwalpara, District - Madhepura.
2. Rajendra Paswan son of late Prem Paswan resident of Ward No. 6, Madhepura, P.S. - Madhepura, District - Madhepura.
3. Umesh Kumar son of Sri Mahabir Prasad Mandal resident of Ward No. 14, Madhepura, P.S. - Madhepura, District - Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. Joint Secretary, Rural Development Department, Government of Bihar, Patna.
4. District Magistrate, Madhepura.
5. District Rural Development Agency, Madhepura through its Chief Executive Officer-cum-Deputy Development Commissioner, Madhepura
6. Deputy Development Commissioner-cum-Chief Executive Officer, District Rural Development Agency, Madhepura
7. Director, District Rural Development Agency, Madhepura, District - Madhepura.
8. Deputy Collector, Establishment, Madhepura, District - Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Shanti Pratap, Advocate
For the Respondent/s : Mr Harish Kumar, GP VIII

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 30-07-2019

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

2 Petitioners are employees in the District Rural Development Agency (for brevity, DRDA). Learned counsel for



the petitioners has placed reliance on Annexure 1 and Annexure 5 of the writ petition to submit that the Authorities had formulated a scheme for absorption of employees of DRDA in the State service. The Annexures, relied upon by the petitioners, are decisions which were subject to final decision by the Cabinet which is not on record. Even if the Cabinet has granted approval then the Communication of the Rural Works Department dated 03.05.2005 and 20.05.2005 (Annexure 5) makes it clear that the absorption was to be done uptill May, 2005.

3 Claiming relief of absorption on the basis of these documents, the petitioners, who continue to serve in the DRDA and are being paid salary, have filed this writ petition in the year, 2014. Learned counsel for the petitioners has submitted that some persons, similarly situated as the petitioners, were absorbed as late as on 01.07.2014 which is evident from Annexure 14 of the writ petition. The claim of those petitioners were entertained by the Authorities in view of decisions of the High Court in their writ proceedings which were initiated long back in the year, 2007 – 2008.

4 The petitioners have not been able to make any enforceable claim for absorption in the State Government service after May 2005, on account of their service in the DRDA.



5 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2019
Transmission Date	NA

