

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 14457 of 2014

1. Manoj Kumar Mishra S/o Hosila Mishra Resident of Village Hardiya, P.O. Narkatiaganj, P.S. Shikarpur, District West Champaran.
2. Abhishek Kumar Verma S/o Rakesh Kumar Verma Resident of Gulabbagh Bettiah, P.O. and P.S. Bettiah, District West Champaran.
3. Rakesh Kumar Yadav S/o Daya Ram Yadav Resident of Village and P.O. Tarvaliya, P.S. Sereura via Narainpur Bagaha, District West Champaran.
4. Raj Kumar S/o Sarvesh Lal Sah Resident of Village P.O. Bangari, P.S. Piprakothi, District East Champaran.
5. Naresh Kumar Ojha S/o Chokat Ojha Resident of Village Basthi, P.S. Palanwa, District East Champaran
6. Abad Hussain S/o Md. Naim Resident of Kattia Mathia, P.S. Kangali Via Sikta, District West Champaran.
7. Upendra Kumar Giri S/o Dhrupath Giri Resident of Village and P.O. Bangari, P.S. Pipra Kothi, District East Champaran.
8. Hiralal Prasad S/o Ram Narayan Sah Resident of Village Barwa, P.S. Lakhaura, District East Champaran.
9. Tun Tun Sah S/o Madan Sah Resident of Mohabbat Chhapra, P.O. Sabaiya, P.S. Turkauliya, District East Champaran.
10. Vijay Kumar S/o Bidya Nath Sah Resident of Pipra Lohartoli, P.O. Pipra Naurangiya, P.S. Yogapatti, District West Champaran.
11. Arvind Kumar Pandey S/o Late Shambhu Pandey Resident of Rampur Dukhna Tola, P.O. Pukina, P.S. Yogapatti, District West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Department of Transport Vishwaswaraiya Bhawan, Bailey Road, Patna.
3. The Commissioner, Transport Department, Government of Bihar.
4. The Managing Director Beltron, Beltron Bhawan near Bailey Road, Patna.
5. The Centre-in-charge, Bihar Knowledge Centre Lalit Bhawan near Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Surendra Mishra, Advocate
For the Respondent/s	:	Mr Gyan Shankar, AC to GP II



CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 03-09-2019

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

2 Petitioners seek quashing of the Letter dated 10.07.2014 whereby the District Transport Officers have been directed to stop taking work from the Data Entry Operators including the petitioners. It is petitioners' case that they have been terminated ignoring their past service which is duly recognized and without any complaint for the past few years.

3 Learned counsel for the State submits that from the order of engagement of the petitioners on contractual basis as Data Entry Operators (Annexure 1 of the writ petition), it is evident that the petitioners were actually employees of Sreeven Infocom Limited, a private entity supplying Data Entry Operators under a due tender process. It is in this circumstance that petitioners performed the contractual work in the District Transport Office at West Champaran related to Data Entry. Petitioners have no individual contractual existence with the State Government as their employment and contract were with Sreeven Infocom Limited. Their existence in the State Government was merely on account of



the fact that the Sreeven Infocom Limited and the State Government had the contract between themselves. The outsourcing from private entities was stopped on account of a policy decision taken by the Finance Department that requirement of Data Entry Operators will be fulfilled through Beltron and not from such entity. Decision of the Finance Department is dated 27.03.2006.

4 In the circumstances, the petitioners have no enforceable claim that ignoring the policy decision of Finance Department, the Authorities should continue taking work from the petitioners.

5 Another prayer has also been made in the writ petition for quashing the test conducted by Beltron for Data Entry Operators. Petitioners have participated in the same and have been declared unsuccessful. Result of the Test conducted by the Beltron, quashing of which is sought, has been placed on record. In fact, it is submitted by the learned State Counsel, referring to the averments made in the counter affidavit, that under the extant policy decision, the Beltron was providing Data Entry Operators and for the purposes of ensuring efficiency of persons, the Beltron was well within its right to hold any reasonable test for assessing the efficiency of the person.



6 Failure of the petitioners in such test cannot be made the basis of seeking any direction for cancelling the test itself. The submission of the learned State Counsel finds favour with this Court. The petitioners have not made out any enforceable claim.

7 Writ petition is devoid of merit and is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.10.2019
Transmission Date	NA

