

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11079 of 2011

1. ANISH KUMAR son of Late Abdhesh Prasad Village Rahui, P.S. Rahui, Dist. Nalanda At Present Posted At Computer Operator, Block Information Centre, Block Nardiganj, Dist. Nawada.
2. Ravi Kumar Sri Parmesh Chandra Ghosh Village Gangabara, P.S. and P.O. Meskour, Dist. Nawada At Present Posted As Computer Operator, Block Informatics Centre, Block Meskour, Dist. Nawada
3. Bipin Kumar Pandey Sri Balmiki Pandey Village Rabio, P.S. Sirdala, Dist. Nawada At Present Posted At Computer Operator, Block Pakriwarawan, Dist. Nawada.
4. Raj Kumar Ranjan Sri Maheshwari Prasad Yadav Village Nawadih, P.S. Sirdala, Dist. Nawada At Present Posted At Computer Operator, Block Information Centre, Block Sirdala, Dist. Nawada.

... .. Petitioners

Versus

1. THE STATE OF BIHAR through Secretary, Govt. of Bihar Patna
2. Principal Secretary, Department Of Rural Development, Govt. Of Bihar, Patna.
3. Additional Secretary, Department Of Rural Development, Govt. Of Bihar, Patna.
4. Commissioner, Magadh Division, Gaya, Bihar.
5. District Magistrate Cum Collector, Nawada.
6. Deputy Development Commissioner Cum District Programme Officer, Nawada.
7. Block Development Officer, Nardiganj, Nawada.
8. Block Development Officer, Meskour, Nawada.
9. Block Development Officer, Pakriwarawan, Nawada.
10. Block Development Officer, Sirdala, Nawada.

... .. Respondents

Appearance :

For the Petitioners : Mr.Birendra Kumar
For the Respondents : Mr. Bijoy Kumar Sinha, AC to AAG V

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 15-07-2019 Heard learned Counsel for the petitioners and the
learned Counsel for the respondent State.

The writ petition has been listed for consideration



after remand by the division bench in LPA No. 1978 of 2011.

The claim of the petitioners is for payment of wages for the period they claimed to have discharged duties in the District Rural Development Authority, Nawada. The petitioners admittedly were employees of M/s Sark Systems India Limited. M/s Sark System India was discharging duties under the agreement between the said entity and the District Rural Development Authority, Nawada for providing workers for establishment and operation of Block Information Center.

Petitioners' Counsel submits that for some period payment was made to M/s Sark System India. Subsequently work was directly taken from the petitioners. He submits that the respondents should be directed to place on record what amount have not been paid for duties discharged by M/s Sark System India so as to assess/decide entitlement of the petitioners.

Jurisdiction of this Court under Article 226 of the Constitution of India cannot be permitted to be invoked for such roving enquiry and that also in matters which arise out of contractual agreement between the state authorities and the third entity, which has not even been made party to the instant proceeding. Whatever claim of the petitioners by virtue of being



employed in the Sark India is for them to raise against M/s Sark India and not from the State as at no point of time they had entered into any agreement with the State authorities for which there is any admitted dues against the petitioners on account of wages.

The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

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