

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5707 of 2015

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Sahdev Prasad Yadav S/o Late Ram Khilawan Yadav, resident of Village-
Maroofganj, P.S. District- Saharsa.

... .. Petitioner

Versus

1. The State Of Bihar through its Chief Secretary, Bihar, Patna
2. The Principal Secretary, Rural Development, Bihar, Patna.
3. The Commissioner, Kosi Division, Saharsa.
4. The Collector, Saharsa.
5. Deputy Development Commissioner, Saharsa.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Mallika Mazumdar
For the Respondent/s	:	Mr.S.Raza Ahmad, Sr. Advocate
		Mr. Vishambhar Prasad, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 05-03-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

The petitioner claims for conversion of his services as daily wager Driver in the District Rural Development Authority (DRDA for short) to services in the Collectorate establishment under the State Government of Bihar.

It is submitted by petitioner's Counsel that the petitioner along with one Akbar Ali was appointed under a common order dated 6.8.1983 on daily wages. It is submitted that services of the other person namely Akbar Ali has since been converted into State services. It is submitted that the



petitioner has been discriminated against. The other submission is that in view of the resolution dated 27.7.2009 issued by the Principal Secretary, Rural Development Department under Memo No. 6479 the services of the Extension Officer (Industries and Commerce), Statics Investigator and Ladies Extension Officer working in the DRDA have been converted into government services. The petitioner, therefore, in light of the said decision also is claiming that his services be also converted into government services.

It is rightly pointed out by the State Counsel that the said Akbar Ali right from the date of his appointment on 6.8.1983 was serving the State Government as Driver for the Station Wagon of the Deputy Development Commissioner, Saharsa. The petitioner ever since his appointment has continued in the DRDA. The very initial appointment on daily wages was at two different places and since Akbar Ali right from his very initial appointment was serving the State Government, therefore, the petitioner cannot claim parity with Akbar Ali. It is also pointed out that the petitioner is not entitled to any parity with beneficiaries of the resolution dated 27.6.2009 as the same is in respect of different class of employees who had been appointed against sanctioned post by



the BPSC as well as Service Selection Commission and after their appointment by the Commission they have been posted to work under the DRDA. Accordingly, a policy decision was taken in their respect, which does not extent to the petitioner who from his very appointment on 6.8.1983 is serving the District Rural Agency on daily wages.

This Court finds force in the stand taken by the respondent authorities. The petitioner therefore cannot claim any parity either with Akbar Ali or beneficiaries of resolution dated 27.7.2009.

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

(Madhuresh Prasad, J)

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