

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No 11464 of 2011

PREM KUMAR TIWARI, son of Lt. Ram Lakhan Tiwari, R/o Koeri Bigha,
P.S. Janipur, Distt. Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Personnel And Administrative Reforms Deptt. Old Secretariat, Bihar Patna
3. The Principal Secretary, Department Of Finance , Govt. Of Bihar, Old Secretariat, Bihar Patna
4. The Agriculture Production Commissioner, Deptt. Of Agriculture, New Secretariat, Bihar, Patna
5. The Joint Secretary, Department Of Agriculture, New Secretariat, Bihar, Patna
6. The Administrator, B.S.A.M.B. (Dissolved) Pant Bhawan, Bailey Road, Patna
7. The Secretary, B.S.A.M.B. (Dissolved) Pant Bhawan, Bailey Road, Patna
8. The Sub- Divisional Officer, Sitamarhi Sadar, -Cum- Special Officer, Agriculture Produce Market Committee (dissolved), Sitamarhi, District - Sitamarhi

... .. Respondent/s

For the Petitioner/s : Mr Jai Prakash Verma, Advocate
For the Respondent/s : Mr Manoj Kumar, AC to GP IV

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 15-07-2019

Heard learned counsel for the petitioner as well as the learned State Counsel.

2 Petitioner, who was daily wager, earlier working in the Bihar State Agriculture Marketing Board (for brevity, the Marketing Board) is claiming his absorption in Government service by virtue of the provisions contained in Bihar Agriculture Produce Markets (Repeal) Act, 2006 (hereinafter referred to as Repeal Act).

3 Claim of other daily wagers were considered earlier in the writ proceedings in the case of Nand Kumar & Others



-Versus- State of Bihar & Others by a Division Bench of this Court. The decision is reported in 2010 (1) PLJR 763.

4 The matter was taken up to the Apex Court. The Apex Court was also of the view that the Repeal Act only contemplated appointment of regular employees of the erstwhile Marketing Board. Petitioners, being daily wagers, could not claim parity with the regular employees, who were appointed after a due procedure and in accordance with law.

5 Claim of other daily wagers was, thus, found not sustainable up to the Apex Court. The decision of the Apex Court is reported in (2014) 5 Supreme Court Cases 300.

6 In view of the matter, having been settled up to the Apex Court, against the claim of daily wagers, the petitioner cannot raise any claim on account of being daily wagers for being offered any appointment under the provisions of the Repealing Act.

7 Writ petition is, therefore, dismissed.

(Madhuresh Prasad, J)

M.E.H./-

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

