

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7372 of 2015

1. Ashok Kumar Sharma and Ors Son of Sri Bhagya Narayan Sharma resident of village Dadhiya, Police Station- Chak Maheshi in the District of Samastipur
2. Sanjay Kumar Son of Sri Kailash Singh resident of Mohalla- Naya Tola Krishnapuri, Police Station- Kazi Mohamadpur in the District of Muzaffarpur.
3. Sunil Kumar Son of Late Dayanand Prasad Singh resident of Village- Pokharama, Police Station- Kajara in the District of Lakhisarai.

... .. Petitioners

Versus

1. The State Of Bihar through Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Director, Department of Agriculture, Government of Bihar, Patna.
4. The Joint Director Administration-cum-Director Administration- cum-Additional Secretary, Depart
5. The District Magistrate-cum-Chairman, Agriculture Coordinator Employment Committee, Kishanganj.
6. The District Magistrate-cum-Chairman, Agriculture Coordinator Employment Committee, Jamui.
7. The District Magistrate-cum-Chairman, Agriculture Coordinator Employment Committee, Purnea.
8. The District Magistrate-cum-Chairman, Agriculture Coordinator Employment Committee, Katihar.
9. The District Magistrate-cum-Chairman, Agriculture Coordinator Employment Committee, Lakhisarai.
10. The District Magistrate-cum-Chairman, Agriculture Coordinator Employment Committee, Banka.
11. The District Agriculture Officer, Kishanganj.
12. The District Agriculture Officer, Jamui.
13. The District Agriculture Officer, Purnea.
14. The District Agriculture Officer, Katihar.
15. The District Agriculture Officer, Lakhisarai.
16. The District Agriculture Officer, Banka.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Sunil Kumar



For the Respondent/s : Mr.P.K. Singh- Sc12

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 14-05-2019 Heard learned Counsel for the petitioners and the
learned Counsel for the respondent State.

Learned Counsel for the petitioners submits that age relaxation has been granted to those who had been working as Agriculture Coordinator on contract basis so that by virtue of their having crossed the upper age prescribed under the advertisement published in the year 2015, they may not be excluded.

Learned Counsel for the petitioners submits that the petitioners too were working as Subject Matter Specialist (SMS) up till 2013, therefore relaxation in the upper age limit in so far as it is confined to those appointed on contract basis as Agriculture Coordinator is discriminatory. He submits that the petitioners have also acquired knowledge and experience by virtue of their functioning as Subject Matter Specialist and therefore the benefit of relaxation of upper age limit also be extended to them.

The State has filed its counter affidavit.

Admitted position is that the petitioners worked as Subject Matter Specialist under various schemes of the



Agriculture Department up till the year 2013. All contractual appointees as SMS, including the petitioners, were terminated in the year 2013. The cabinet thereafter sanctioned and created the post of Agriculture Coordinator at the Panchayat level. The appointment was made on contractual basis in the year 2013. The petitioners had not been selected as Agriculture Coordinator on contract basis. The State Government thereafter in the year 2015 advertised the post for regular appointment, wherein relaxation was granted to Agriculture Coordinators who had been working on contract basis.

The Agriculture Coordinators working on contract basis formed a distinct and separate class. The petitioners were not selected as Agriculture Coordinator on contract basis in the year 2013 nor have they ever performed the work of Agriculture Coordinator against the sanctioned post. The petitioners were SMS and had worked in the department on contractual basis till the year 2013.

This Court therefore does not find any discrimination in grant of relaxation to the contractual Agriculture Coordinator who have been working in the department pursuant to their appointment by a due process on contractual basis conducted by



respondent authorities in August 2013.

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

(Madhuresh Prasad, J)

SNkumar/-

U			
---	--	--	--

