

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21911 of 2019

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Durga Shankar Jha, male, aged about 45 years, through the Secretary and authorized person of the Kisan Salahkar Sangh, District Unit Darbhanga approved under the Bihar Rajya Kisan Salahkar Sangh, Bihar, Patna (having its approval no. 663/67), S/o Sri Krishna Mohan Jha, through the Secretary and authorized person of the Kisan Salahkar Sangh, resident of village and P.O Amaithi, P.S. Bahera, District- Darbhanga- 847233.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Development Commissioner, Government of Bihar, Patna.
3. The Principal Secretary, Personnel and Administrative Department, Govt. of Bihar, Patna.
4. The Principal Secretary, Agriculture Department, Govt. of Bihar, Patna.
5. The Director, Agriculture Department, Govt. of Bihar, Patna.
6. The Director, Finance Department, Govt. of Bihar, Patna.
7. The Secretary, Finance Department, Govt. of Bihar, Patna.
8. Regional Commissioner, Provident Fund, Bihar, Patna.
9. The District Magistrate-cum-Collector, Darbhanga.
10. The District Agriculture Officer, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh, Advocate
For the Respondent/s : Mr.Sarvesh Kumar Singh (AAG-13)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-11-2019 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:-

“i. For quashing the memo no. 145 dated
27.6.2019 of Director, Agriculture, Govt. of Bihar,



Patna whereby the Director, Agriculture has been pleased to refuse to consider the Kisan Salahkar for E.P.F. Violating/ignoring the direction of Hon'ble High Court Patna passed in CWJCNo. 17372/2017 as well as M.J.C. No. 2915 of 2018 in respect of statutory provision of Employee Provident Fund (EPF) & Miscellaneous provision Act 1952 treating a complete code. It is contended in refusal letter/memo that selection of the Kisan Salahkar are neither permanent/temporary nor contract basis as such Kisan Salahkar are not fit to get EPF benefit and quashing to all the other subsequent letters.

ii. For direction/order to the respondents to implement the EPF in the light of order of Hon'ble High Court Patna passed in CWJC No. 17372 of 2017 as well as MJC No. 2915 of 2018 and the order passed by Hon'ble Supreme Court in the case of Uma Devi treating the Kisan Salahkar are the contractual employee of the state Government.

iii. For direction/order to the District level respondent concerned who are violating the Article 14 of the Constitution of India whereby some of District Kisan Salahkar are treating as contractual employee and some of the District they are treating as non-contractual employee.”

Learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to agitate the claim raised in this petition by filing a fresh writ application instead of



Public Interest Litigation.

The application is accordingly disposed of with the
liberty aforesaid.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

P.K.P./-

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