

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1460 of 2018

In
Civil Writ Jurisdiction Case No.9060 of 1998

-
-
1. Suresh Kumar, Son of Shankar Sah, Resident of Village- Dahiyawan, P.O.- Chapra Town, District- Saran.
 2. Bhagwat Singh, Son of Rameshwar Singh, resident of Village- Tenua, P.O.- Mushahari, District- Saran.
 3. Devendra Kumar Singh, Son of Rameshwar Singh, resident of Village- Tenusa, P.O. Mushahari, District Saran.
 4. Puranwasi Manjhi, Son of Kashiya Manjhi, Resident of Village- Dahiyawan, P.O.- Chapra Town, District- Saran.
 5. Ram Lakhan Ram, Son of Vishwanath Ram, R/o Village- Khawaspur, P.O.- Doriganj, District- Saran.
 6. Surendra Ray, Son of Bhulas Ray, Village Ramnagar, P.S.- Bhagwan Bazar, District- Saran.
 7. Sadish Kumar @ Sudish Kumar, Son of Shivpujan Mahto, R/o Village Khawaspur, P.O.- Doriganj, District- Saran.
 8. Raman Kumar, Son of Shri Ramnagar Singh, Resident of Village and P.O.- Purauna, Town, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar, through Mr. Anjanai Singh, the Commissioner-Cum-Secretary, Health Department, Bihar, Patna.
2. Mr. Amir Subhanim, the Secretary, Personnel and Administrative Reforms Department, Bihar, Patna- 1.
3. Dr. Madan Prasad Sharma, the Chief Malaria Officer, Sultanganj Govarthy Bhawan, Patna- 6.
4. Mr. R.D. Ranjan, the Director-in-Chief, Health Department, Bihar, Patna.
5. Mr. Harihar Prasad, the Collector-cum-District Magistrate, Saran at Chapra P.O. and P.S.- Chapra Town, District Saran.
6. Mr. Lalit Mohan Prasad, the Civil Surgeon-cum-Chief Medical Officer, Saran at P.O. and P.O./P.S.- Capra Town, District Saran.
7. Mr. B.K. Shrivastava, the District Malaria Officer, Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Shashi Shekhar Tiwary, Advocate
For the Opposite Parties : Mr. Suryadev Yadav, A.A.G.9

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER



15 24-02-2020 Heard Mr. Shashi Shekhar Tiwary, the learned counsel appearing on behalf of the petitioners and Mr. Suryadev Yadav, the learned A.A.G.9

The petitioners filed this petition for initiating a contempt proceeding against the erring opposite parties who have willfully and deliberately violated this Court's order dated 07.03.2000, passed in CWJC No.9060 of 1998.

The operative part of the order dated 07.03.2000, while disposing of the writ petition, is as follows:

“In the facts and circumstances, I remit the matter to the Respondents to consider the cases of seasonal employees performing the duties of sprayer and posted under the control of Civil Surgeon, Saran at Chapra. If one or other petitioner is a seasonal employee, performing such job, their panel be prepared on the basis of seniority and be forwarded to the Collector/District Magistrate, Chapra within three months.

The Collector-cum-District Magistrate, Saran at Chapra, in his turn, will act on the Government decision dated 27th December, 1991, and at the time of preparation of panel for appointment against Class-IV posts in the Muffasil Offices of the State within the district, such seasonal employees be given preference over the outsiders, on the basis of their seniority and



on relaxation of age, if one or other is found to be overage.

Both the writ petitions stand disposed of with the aforesaid observations and directions.”

Learned counsel for the petitioners submits that the petitioners were admittedly engaged on seasonal basis at the relevant time by opposite parties and they worked for more than 20 to 28 years in some way or the other, but through the selection process, which was based on 1979 Circular permitting year wise empanelment only for engagement/appointment of Class IV posts vide advertisement no.1 of 2012, all the petitioners applied. The names of the petitioners were placed in the category IV instead of category III in the panel. The petitioners made objections but the objections of the petitioners were not reasonably and fairly considered and the opposite parties adopted a different criteria for selection. The opposite parties selected one Asha Devi having no experience and two brothers having five days age difference and many other irregularities were committed. It is further submitted that many other writ petitions, L.P.A. were filed for preparation of panel on the basis of work done/days of work done by the seasonal workers and other daily wages workers. The Civil Surgeon, Chapra forwarded the case of the petitioners, D.D.T. Sprayers,



to the District Magistrate, Saran for preparation of panel pursuant to the advertisement published in the year 2000 for their selection and absorption/appointment in Class IV employees but the advertisement was not given effect due to different judicial pronouncements made in C.W.J.C. No.1002 of 2003, L.P.A. No.1249 of 2011, C.W.J.C. No.2390 of 2010, L.P.A. No.724 of 2012, M.J.C. No.600 of 2014. It is further submitted that whenever the panel/names of the petitioners were recommended by the Civil Surgeon, Saran, no priority was given to the petitioners during the course of finalization of the panel in the year 2018 and thereby the opposite parties has willfully ignored and disregarded the order of this Court.

The opposite parties filed show cause. In pursuance of the Government guidelines dated 27th December, 1991 against Advertisement No.1 of 2012, the petitioners had applied for appointment under Class IV posts. The Collector sought report from all the departments regarding year wise work experience of the applicants and others. Vide letter no.286, dated 02.08.2017 and the report vide letter no.274, dated 27.07.2017 of the District Malaria Officer, Saran it transpired that none of the petitioners worked even 240 days in a year. It is further submitted that panel was prepared in pursuance of the directions



of the General Administration Department, Government of Bihar contained in letter no.10457, dated 17.08.2017 and other letters bearing no.7365, dated 29.06.2011. Many persons filed objections. After scrutinizing the objections final panel list for appointment of the candidates was prepared. In the supplementary show cause filed by the opposite parties in pursuance of the order of this Court, the opposite parties have stated that the petitioners were engaged for seasonal worker for spraying D.D.T. for eradicating Malaria and Kalajaar. In pursuance of advertisement no.1 of 2012, the petitioners and others applied for their appointment on Class IV posts and a report was submitted. Since the petitioners were not found to have worked more than 240 days in a year, their names did not find place in the panel on the basis of the seniority list. It is submitted that the opposite parties have not violated the order of this Court dated 07.03.2000, passed in CWJC No.9060 of 1998. This Court vide aforesaid order directed the opposite parties to prepare the panel on the basis of the seniority and after counting the days of works done by the seasonal workers.

Having heard the parties and perusal of the records, I find that this Court by order dated 07.03.2000 remitted the case to the Civil Surgeon to consider the case of the seasonal workers



such as petitioners performing the duties of sprayer and posted under the control of Civil Surgeon, Saran and on the basis of their seniority panel be prepared and the same be forwarded to the Collector/District Magistrate, Saran at Chapra. The District Magistrate, Saran at Chapra will act on the government decisions dated 27th December, 1991 at the time of preparation of panel for appointment against Class IV posts in Muffasil offices of the State within the district. Such seasonal workers shall be given preference against outsiders. From perusal of the show cause filed by the opposite parties, I find that it is evident that the appointment committee prepared the panel for appointment on Class IV posts after taking into consideration the criteria laid down by the Government of Bihar on 27th December, 1991 and other circulars, guidelines pertaining to preparation of panel for appointment on the posts of Class IV. The aforesaid order only directed the Collector after recommendation made by the Civil Surgeon to consider the case of the petitioners/seasonal workers for appointment on Class IV posts in different department of Government of Bihar in the district of Saran and the petitioners/such seasonal employees be given preference over the outsiders. The show cause reveals that on the basis of the report received from the Civil Surgeon, Saran



at Chapra and Chief Malaria Officer, the panel was prepared in the year 2018 and the petitioners could not find place in the panel on the basis of the seniority and the number of days done by the petitioners and other employees, therefore, I find that the opposite parties have not disobeyed the order of this Court dated 07.03.2000, passed in CWJC No.9060 of 1998 in any manner. No further action is required to be taken in this contempt proceeding. If the petitioners are aggrieved that their names have been left out from the panel on non-consideration of their number of days and the works done by them as seasonal workers, the petitioners have got fresh cause of action.

Accordingly, I dispose of this contempt petition with liberty to the petitioners to file fresh writ petition for redressal of their grievance, if so advised.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U			
---	--	--	--

