

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.583 of 2018
In
Civil Writ Jurisdiction Case No.130 of 2015

1. Ramchit Singh Son of Sri Shailendra Singh, Resident of Village- Karzama, Post- Kakbara, District- Banka, working as Pump Attendant at Tairaita Rural Water Supply.
2. Arbind Kumar Son of late Bano Prasad Yadav, Resident of Village- Sahsole, Post- Dibra Bazar, P.S.- Barhara Kothi, District- Purnea.
3. Naresh Prasad Yadav, Son of late Chabil Prasad Yadav, Village- Raghapur Tiker, Post- Nath Nagar, Panchayat- Noorpur, P.S.- Madhusudanpur, District- Bhagalpur.
4. Kapil Mandal, Son of Kishori Rai, Resident of Village- Birnaut, Post and P.S.- Goradih, District- Bhagalpur.
5. Mukesh Kumar, Son of Sri Rambilash Prasad Singh, Resident of Village- Bholsar, Post- Ekchari, P.S. Kahalgaon, District- Bhagalpur.
6. Gunjan Kumar Singh, Son of Sri Baikunth Prasad Yadav, Resident of Village and Post- Dhuaway , P.S. Sanokhar, District- Bhagalpur.
7. Dilip Yadav, Son of Sri Bindeshwari Prasad Yadav, Resident of Village- Mirzapur, P.S. Madhusudanpur (Nathnagar), Block- Nathnaar, District- Bhagalpur.
8. Md. Khursheed Son of Md. Jamal, Resident of Village- Sahjangi, Post- Habibpur, P.S.- Habibpur, District- Bhagalpur.
9. Murari Kumar, Son of Sri Parmanand Rai, Resident of Village and Post- Tulispur, P.S. Kharik Bazaar, District- Bhagalpur.
10. Md. Lalu Son of late Ibrahim, Resident of Village and Post- Rangra, P.S. Rangra chowk, District- Bhagalpur.
11. Md. Sarful Haque, Son of Md. Ainul Haque, Resident of Village and Post- Habibpur, P.S. Habibpur, District- Bhagalpur
12. Ranjeet Kumar, Son of late Rambriksh Sah , Resident of Village and Post- Ekchari, P.S. Rasalpur Kahalgaon, District- Bhagalpur.
13. Subhash Thakur, Son of late Deep Narayan Thakur, Resident of Village- Bargaon, Post - Dariyapur, P.S.- Sajour, District- Bhagalpur.
14. Rajesh Mandal, Son of Sri Anil Mandal, Resident of Village , Post and P.S.- Sanokhar, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal, Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
2. The Engineer in Chief, Public Health and Engineering Department, Government of Bihar, Patna.
3. The Chief Engineer(Mechanical), Public Health and Engineering Department, Government of Bihar, Patna.
4. Superintending Engineer, Public Health and Engineering Department, Civil



and Mechanical, Government of Bihar, Bhagalpur Circle, Bhagalpur.

5. Executive Engineer, Mechanical, Public Health and Engineering Department, Bhagalpur Division, Bhagalpur.
6. Executive Engineer, Civil, Public Health and Engineering Department(East), Bhagalpur Division, Bhagalpur.
7. Executive Engineer, Civil, Public Health and Engineering Department(West), Bhagalpur Division, Bhagalpur.
8. Assistant Engineer, Public Health and Engineering Department, Mechanical , Sub Divisional Office, Bhagalpur.
9. Assistant Engineer, , Public Health and Engineering Department, Mechanical , Sub Divisional Office, Banka.
10. Assistant Engineer, Public Health and Engineering Department, Civil, Sub Divisional Office, Naugachia, District- Bhagalpur.
11. Assistant Engineer, Public Health and Engineering Department, Civil , Sub Divisional Officer, Bhagalpur.
12. Assistant Engineer, Public Health and Engineering Department, Civil , Sub Divisional Officer, Sultanganj,, Bhagalpur.
13. Assistant Engineer, Public Health and Engineering Department, Civil , Sub Divisional Officer, Kahalgaon, , Bhagalpur.
14. Junior Engineer, Mechanical , Public Health and Engineering Department, Section Incharge, Kahalgaon and Bhagalpur, Prashaka- Kahalgaon.
15. Junior Engineer, Mechanical , Public Health and Engineering Department, Section Barahat, District- Banka.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Jha, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad, AAG-5
		Mr. Vishambhar Prasad, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 13-01-2020

Heard learned counsel appearing for the appellants
as well as learned AC to AAG-5 appearing for the State.

2. Appellants are aggrieved by the impugned order
dated 26.03.2018 passed by learned Single Judge in CWJC No.



130 of 2015 by which and whereunder learned Single Judge dismissed the above-stated writ petition filed on behalf of appellants.

3. Appellants are un-skilled laborer and they were appointed by the concerned Engineer under a scheme of the government for certain period, but after their appointment, the State Government framed Bihar PHED, Pump Operator/Electrician (Recruitment and Service Conditions) Rules, 2014 on 08.09.2014.

4. The grievance of the appellants is that up till now, no appointment in pursuant to the above-stated Rules, 2014 has been made by the concerned department, but in spite of that the officials of the concerned department are giving threatening to terminate the appellants, though, they are still working as un-skilled laborer with the concerned department. Learned counsel for the appellants submits that learned Single Judge of this court in CWJC No. 3521 of 2014 has given similar relief to some other persons vide order dated 04.03.2014. Admittedly, when the learned Single Judge in CWJC No. 3521 of 2014 passed the order, the Bihar PHED Pump Operator/Electrician (Recruitment and Service Conditions) Rules, 2014 was not in force and, therefore, it appears that in absence of any specific rules, the learned Single Judge passed



the order in CWJC No. 3521 of 2014.

5. It is an admitted position that the appellants have not been appointed as per newly framed Rules, 2014 and, therefore, in our view, the learned Single Judge rightly dismissed their writ petition.

6. Therefore, we are not inclined to interfere into the findings given by the learned Single Judge while passing the impugned order dated 26.03.2018. Accordingly, this Letters Patent Appeal stands dismissed. However, the appellants may raise their claims before the concerned authorities, if any appointment is made, in accordance with the Bihar PHED, Pump Operator/Electrician (Recruitment and Service Conditions) Rules, 2014, and if the appellants are found eligible for engagement/appointment, the concerned authorities shall give preference to the appellants.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.01.2020
Transmission Date	

