

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23090 of 2019

1. Ashish Kumar Son of Late Radha Mohan Lal, 103, Madhusri Apartment, Yarpur, P.S.-Gardanibagh, District-Patna.
2. Navin Kumar, Son of Thakur Shyam Narayan Sharma, Resident of Rukanpura Bailey Road, P.S. Rupaspur, P.O. B.V. College, District-Patna.
3. Pawan Kumar Tiwary, Son of Sri Kuleshekhar Tiwary, Resident of Village and P.O.-Amarpura, P.S.-Naubatpur, District-Patna.
4. Sujit Kumar, Son of Sri Shashikant Sharma, Resident of Village and P.O.-Amhara, P.S.-Bihta, District-Patna.
5. Vikash Kumar, Son of Sugriv Singh, Resident of Khanger Gali, P.O.-Sampat Chak, P.S. Patna City, District-Patna.
6. Satya Prakash, Son of Sri Gyan Prakash Sharma, Resident of Mohalla-Lal Imali, Motakhar Kuan, P.O. and P.S.-Begampur, District-Patna.
7. Govinda Sharma, Son of Sri Gopal Prasad Sharma, Resident of Mohalla-Saguna, East of Gandhi Murti, P.S. Danapur, District-Patna.
8. Sivendra Singh, Son of Sri Bhagwan Singh, Resident of Village-Jalarpur, P.O. and P.S.-Sarai, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Bihar Administrative Reforms Mission Society through its Chairman, Administrative Council, Irrigation Barrack No. 1, Harding Road, Patna.
3. Mission Director, Bihar Administrative Reforms Mission Society, Irrigation Barrack No. 1, Harding Road, Patna.
4. Additional Mission Director, Bihar Administrative Reforms Mission Society, Irrigation Barrack No. 1, Harding Road, Patna.
5. Secretary, General Administrative Department, Bihar, Patna.
6. District Magistrate, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad
Ms. Maruti Kumari

For the Respondent/s : Mr. Dhurendra Kumar, AC to GP 5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-01-2020 Heard counsel for the petitioners and counsel for the respondents-State.

It is submitted by counsel for the petitioners that terms and conditions of their contractual appointment contemplates that



their services are not transferable.

It is submitted that in view of clear stipulation to this effect action of the District Magistrate in transferring their services without any modification of contractual appointment is contrary to the terms of the appointment and same cannot be done. Under similar circumstance other who had been appointed as executive assistant on contractual basis had approached this court in CWJC No. 16599 of 2016. After hearing the parties, writ petition was disposed of with direction to the concerned District Magistrate to consider petitioner's claim and dispose it of in accordance with law. The order is dated 01.07.2017 (Annexure 3).

Having regard to the submissions advanced and after hearing counsel for the respondents-State, this court is of the opinion that the petitioners' claim should also be considered by the District Magistrate, Patna (respondent no.6). This court would observe that consideration of the petitioners' claim should be done in accordance with law within a period of six weeks from the date of receipt/production of a copy of this order.

Writ petition is disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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