

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.266 of 2019

In

Civil Writ Jurisdiction Case No.233 of 2016

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The State of Bihar through the Secretary, Department of Agriculture Govt. of Bihar, Patna

... .. Appellant/s

Versus

1. Sanjeev Kumar Son of Late Shambhu Nath Verma resident of Pankhatoli, P.S- Kazi Mohammadpur, P.S- Sadar, Muzaffarpur, District- Muzaffarpur
2. Ajay Kumar Jha Son of Sri Babu Saheb Jha resident of Kamal Niwas, Magardahi, ward No. 15, P.S- Sadar, Samastipur, District- Samastipur
3. Rajendra Agriculture University, Bihar, Pusa, Samastipur through its Registrar having Officer at Pusa, Samastipur
4. The Vice Chancellor, Rajendra Agricultural University, Bihar, Pusa, Samastipur
5. The Director Administration, Rajendra Agricultural University, Bihar, Pusa, Samastipur
6. The Officer in charge, Comprehensive Cost of Cultivation Scheme, Rajendra Agricultural University, Bihar, Pusa, Samastipur
7. The Officer-in Charge, Rajendra Agricultural University, Bihar, Pusa, Samastipur
8. The Union of India through Directorate of Economics and Statistics, Ministry of Agriculture, Government of India, Krishi Bhawan, New Delhi

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sawesh Kumar Singh, AAG-13 Mr. Arya Achint, A.C. to AAG-13
For the Respondent/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. C.M. Singh, Advocate
For the U.O.I.	:	Ms. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-12-2022

The present appeal is by the State of Bihar.

Question for consideration is whether the respondents are entitled to benefit of MACP with reference to counting of past service rendered by each of the employee on contract basis or not? In this regard, learned Single Judge while disposing CWJC No. 233 of 2016 dated 19.03.2018 gave a direction in the following manner:

“In view of the aforesaid, the writ application is allowed. The respondent State of Bihar and Rajendra Agricultural University, Bihar, Pusa, Samastipur including the successor Dr. Rajendra Prasad Central University are hereby directed to include the contractual employees to the benefit of past services for grant of MACP. The entire exercise in this regard must be completed within a maximum period of 60 days from the date of receipt/production of a copy of this order.”

The aforesaid direction in so far as State of Bihar is concerned, it is not appropriate for the simple reason that there is no master and servant relationship between the State of Bihar and employees of the Rajendra Agricultural University, Bihar, Pusa, Samastipur. Therefore, direction to the State of Bihar in para-8 of the learned Single Judge order is incorrect.



Accordingly, direction issued in para-8 of the learned Single Judge is restricted to only Rajendra Agricultural University, Bihar, Pusa, Samastipur.

To the above extent, order of the learned Single Judge is modified.

Accordingly, present L.P.A. stands disposed of.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
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