

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2454 of 2018

1. Rakesh Kumar, S/o Late Lalit Bhanu Singh, Resident of Mohalla- MIG-205 Kankarbagh, P.S.- Kankarbagh, Distt and Town- Patna, at present Posted as Dy. Project Director ATMA Jehanabad.
2. Kali Kant Chaudhary, S/o Narayan Chaudhary, Resident of Mohalla- Refujee Colony Ward No.4, P.S.- Distt- Sharsha, at present posted as Dy. Project Director ATMA Siwan.
3. Gangesh Kumar Chaudhary, S/o Sri Raghu Nandan Chaudhary, Resident of Village- Jhakhara, P.S.- Sarairanjan, Distt- Samastipur, at present posted as Dy. Project Director ATMA Samastipur.
4. Shamsheer Alam, Son of Wali Mohammad, Resident of Village- Lakhno, P.S.- Chakand, Distt- Gaya at present working as Dy. Project Director Atma, Saran.
5. Binod Kumar Singh, Son of Sri Fagendra Singh, Resident of Village- Chouki P.S.- Sahebpurkamal, Distt- Begusarai at present posted as Dy. Project Director, Muzaffarpur.
6. Brijendra Mani, S/o Late Rambriksh Chaudhary, Resident of Village- Ghusia Khurd, P.S.- Bikramganj, Distt- Rohtash, at present posted as Dy. Project Director, ATMA Patna.
7. Hari Mohan Mishra, S/o Late Ramoudhar Mishra, Resident of Mohalla- Vasant Vihar, Koshi Colony, Behind Tobacco Factory, Near New Era Public School, P.S.- K. Hat, Distt- Purnea at present posted as Dy. Project Director, ATMA Purnea
8. Ajeet Kumar, Son of Ram Rekha Singh, Resident of Village- Sihma P.S.- Matihani, Distt- Begusarai, at present posted as Dy. Project Director, Atma Purnea.
9. Niraj Kumar Verma, Son of Sri Manohar Prasad Verma, Resident of Mohalla- Chankyapuri Colony House No.-MIG-59, P.S.- Project Director, Rampur Distt- Gaya at present posted as Dy. Project Director, Atma Gaya.
10. Shashi Kant Jha, Son of Sri Vishwanath Jha, Resident of Village- Sirsa, P.S.- Muffasil, Distt- Katihar at present posted as Dy. Project Director Atma Katihar.
11. Rana Rajeev Ranjan Kumar, Son of Sri Ram Kewal Singh, Resident of Mohalla- Ashok Nagar, P.S.- Rampur Ditt- Gaya, at present Dy. Project Director Atma Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Agriculture Department, Govt. of Bihar, Patna.
4. The Agricultural Production Commissioner A.P.C. Agricultural Department, Govt. of Bihar, Patna.
5. The Director Agricultural Department, Govt. of Bihar, Patna.
6. The Bihar Public Service Commission through the Chairman, Bailey Road,



Patna.

7. The Chairman, Bihar Public Service Commission, Baily Road, Patna.
8. The Secretary, Bihar Public Service Commission, Baily Road, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12607 of 2017

Bihar Agriculture Graduate Service Association and Anr

... .. Petitioner/s

Versus

The State of Bihar and Ors

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5124 of 2018

Prashant Kumar Singh and Ors

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2454 of 2018)

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate
		Mr. Mukesh Kumar No-1, Advocate
		Mr. Kumar Kaushik, Advocate
For the Respondent/s	:	Mr.Lalit Kishore-AG
		Mr. Y.V. Giri, Sr. Advocate
		Mr. Santosh Kumar, Advocate
		Mr. Niranjana Kumar, Advocate
		Mr. Sanjay Pandey, Advocate
		Mr. Arvind Kumar Singh, Advocate
		Mr. Pranav Kumar, Advocate
		Mr. Sumit Kumar Jha, Advocate
		Mr. Ashok Kumar Pathak, Advocate

(In Civil Writ Jurisdiction Case No. 12607 of 2017)

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate
For the Respondent/s	:	Mr. Mrigank Mauli, Sr. Advocate

(In Civil Writ Jurisdiction Case No. 5124 of 2018)

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate
For the Respondent/s	:	Mr. P.N.Shahi, AAG-6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their



residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 11-01-2022

Petitioners have prayed for the following relief(s):-

1. That this application is being filed for issuance of an appropriate writ/writs, order/orders, Direction/Directions to declare the Rule (Annexure-2) framed by the Agricultural Department Govt. of Bihar vide Notification No.-1/AG-46/2008 4674 dated 14.10.2014, to be ultra vires being violative of Article 14 of the Constitution of India in as much as the said Rule has ignored to include policy decision of the State Govt. as contained in the SANKALP(Resolution) of the Administrative Department Govt. of Bihar vide Memo No.-8025 dated 21.05.2013 whereas other department has incorporated the said policy decision of the state Govt. by allowing weightage of Past service while considering regular appointment of their Respective Post. Some of Such Department like Animal Husbandry, Health Department etc. Even Agriculture Department while framing the Rule for regular Appointment of Agriculture Co-ordinator where weightage of Past service has been allowed in Regular Appointment.

Thus Respondents have acted arbitrary, unreasonably and having discriminated violating the Principle of Equality and shrine in Article 14 of the Constitution of India by not incorporating the Policy Decision of the State Govt. allowing the Weightage of Past Service in instant case.

Petitioners Further Prays for issuance of appropriate Writ/writs, order/orders, Direction/Directions, commanding the Respondents to consider their Case for their Regular Appointment to the post of Dy. Project Director by allowing Weightage in Terms of the Policy of State Govt.

And also During pendency of the writ petition, further Recruitment processes in terms of advertisement No. 86/2014 may kindly be stayed, and services of the Petitioners may kindly be extended for next financial year i.e 2018 to 2019.

And also for further issuance of any other writ/writs, order/orders, direction/directions for which the petitioners are legally entitled.

On 06.10.2021, this court had passed the following order:

“Shri Lalit Kishore, learned Advocate General, under instructions, states that petitioners, who



are to superannuate at the age of 60 years, would be allowed to continue on the same post and status.

In this view of the matter, Shri P. K. Shahi, learned senior counsel appearing for the petitioners, states that he has no objection to the interim orders dated 27th of March, 2018 and 13th of July, 2018 being vacated and the ongoing process of selection and appointment concluded at the earliest.

Accordingly, interim orders dated 27th of March, 2018 and 13th of July, 2018 are vacated with the direction to the respondent State to forthwith complete the entire process of selection in accordance with law.

We are constrained to pass such order keeping in view the fact that the selection process commenced in the year 2014, was interdicted only by virtue of the interim order(s) passed by this Court.

We request learned Advocate General to file an affidavit sworn by concerned Principal Secretary, Government of Bihar, reiterating the statement as recorded (supra).

Ordered accordingly.

List on 08.12.2021.”

Pursuant thereto, the Secretary, Agricultural Department, Government of Bihar has filed an affidavit dated 07.10.2021, which, inter alia, reads as under:-

3. That in continuation with the averment made in the counter affidavits/ supplementary counter affidavits filed in this case, it is humbly stated and submitted that the Bihar Agriculture Service Category-I (Shasya) Recruitment Promotion and Service Condition Rules, 2014 has been amended vide Notification contained in



Memo No.3445, dated 25.11.2020 by Notifying Bihar Agriculture Service Category-I (Shasya) Recruitment Promotion and Service Condition Amendment Rules, 2020 and in view of the provisions made therein, recruitment process be followed and the ongoing process of selection and appointment be concluded at the earliest. So far as the present writ petitioners are concerned, they shall not be removed from their respective post as contractual employees. They shall be continued till the age of 60 years / age of superannuation, decided by the State Government for such contractual employees. They shall not be entitled to claim for any seniority or roster or any parity with the regular appointees in future.

4. That it is humbly stated and submitted that the abovementioned consideration of the Agriculture Department, Government of Bihar, Patna has been humbly stated and submitted before this Hon'ble High Court in course of hearing of the instant case on 06.10.2021 as:

“.....who are to superannuate at the age of 60 years, would be allowed to continue on the same post and status.”

In view of the same, we find the grievance of the petitioners to have been sufficiently redressed and as such, there being no surviving grievance, the petition is disposed of accepting the statement made by the Government on record to be part of the order.

Interlocutory application, if any, shall also stand disposed of.



Re.: CWJC No. 12607 of 2017

Detagged to be heard separately.

Re.: CWJC No. 5124 of 2018

Detagged to be heard separately.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	13.01.2021
Transmission Date	

