

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24936 of 2019

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1. Subodh Kumar, Son of Ram Chandra Chaudhari, Ward No.1, Resident of Village-Nariyar, P.O.-Nariyar, Block and P.S.- Motipur, District-Muzaffarpur. (Accountant).
 2. Bikrant Kumar, Son of Rajiv Ranjan Sharma, Resident of Village-Sahjahanpur, P.O.- Beni Bigha, P.S.- Bikram, District- Patna, (Office Assistance, State Level Officer).
 3. Vijay Shankar Mishra, Son of Sri Bhagwan Mishra, Resident of Village and P.O.- Parsounda, P.S.- Sahpur, District- Bhojpur. (Office Assistant).
 4. Kavita Kumari, D/o Late Vijay Kumar Lal, Resident of Mohalla- Dwarika Lal Lane, Salimpur Ahra, P.O. Kadamkuan, P.S.- Kadamkuan, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resource, Government of Bihar.
3. The Principal Secretary, Rural Development Department, Government of Bihar.
4. The Mission Director cum Chief Executive Officer, Jivika Project (Rural Live hood Project) Bidyut Bhawan-2, First and Second Floor Near Baily Road, Patna
5. The State Project Director, B.E.P.C. Bihar.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Rishikesh Ojha, Advocate Mr. Brisketu Sharan Pandey, Advocate
For the State	:	Mr. Subash Chandra Mishra, SC16
For Respondent-BEPC	:	Mr. Girijish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 13-07-2022

Heard learned counsel for the petitioner and learned
counsel for the respondent-Bihar Education Project Council.

2. The application has been filed assailing the decision
of the Additional Chief Secretary in the Education Department,



Government of Bihar dated 02.05.2019.

3. The brief background is that the petitioners were discharging duties as Accountants or Office Assistants in the Mahila Samakya Programme started in 1989. Petitioners have discharged their duties in between the years 2008 to 2016. In 2016, the Government of India stopped funding the programme, as a result the work did not exist and the petitioners became jobless.

4. It is in this circumstance that the petitioners had earlier moved this Court in C.W.J.C. No. 13771 of 2017, claiming the relief that they should be adjusted elsewhere, having regard to the services rendered by them in the past. The petitioners' counsel in those proceedings had sought a direction upon the respondent-Principal Secretary, Education Department to take a final decision on their claim. The Secretary has finally taken a decision, which is impugned in the instant proceedings. The claim has been rejected by assigning reason.

5. Petitioners' counsel submits that since the Department had assured to examine the claim of the petitioners, which is recorded in the proceedings of the meeting of the Mahila Samakhya Society, headed by the Principal Secretary, Education Department, dated 09.05.2016, the authorities were bound by



such assurance and cannot be permitted to take a contrary view, more so in view of the fact that the assets and liabilities of the programme in which petitioners were earlier working have finally been handed over to the same authority who was required to consider the petitioners' claim.

6. Upon going through the proceedings of the meeting dated 09.05.2016, this Court would find that assurance was given to examine the possibility whether the petitioners or other similarly situated persons could be adjusted elsewhere in any other similar organization.

7. The assurance being relied upon by the petitioners is to be found in the proceedings of the said meeting and relevant extract is being quoted herein below:

"सभापति महोदय के द्वारा बिहार महिला समाख्या सोसाइटी में कार्यरत कर्मियों की सूची जन्म तिथि एवं योग्यता के साथ निदेशक , बिहार ग्रामीण जीविकोपार्जन, पटना (जीविका) कार्यालय को उपलब्ध करने हेतु प्रभारी राज्य कार्यक्रम समन्वयक, बिहार महिला समाख्या सोसाइटी को निदेश दिया गया। साथ ही लेखपाल एवं कार्यालय सहायक के लिए उप सभापति-सह-राज्य परियोजना निदेशक महोदय को बिहार शिक्षा परियोजना परिषदमे सम्भावना देखने हेतु सुझाव दिया गया। जिस पर सभापति -सह-राज्य परियोजना निदेशक, बिहार शिक्षा परियोजना परिषद के द्वारा सहमति जताई गई।"



8. From the same it is obvious that the assurance was only to examine whether there was any possibility that petitioners could be adjusted in the Bihar Education Project Council. There was no assurance based on which the petitioners can claim any right of absorption. The fact that the financial position does not permit the State to adjust the petitioners elsewhere is a policy decision which this Court would not feel inclined to interfere with, keeping in view the nature of right sought to be asserted by the petitioners.

9. The petitioners' counsel has lastly submitted that in similar programmes in other States, the persons who were similarly situated as the petitioners have been adjusted elsewhere.

10. The policy decision of another State to adjust employees displaced from employment in any programme is based on a combination of considerations, unique to the State, such as its financial capacity, existence of work elsewhere and its own administrative requirements, priorities etc. Petitioners, therefore, in the opinion of this Court, in one State, cannot derive any benefit claiming parity with decision of another State Government to adjust displaced employees, even if it has been done.



11. For the reasons above, this Court would observe that the petitioners have not been able to make out any right for being adjusted elsewhere.

12. The writ petition is dismissed.

(Madhuresh Prasad, J)

PNM/Shashank

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

