

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16893 of 2014

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Babu Saheb Jha Son of Sri Chandrakant Jha Resident of Village - Haripur
Mall Tola, P.S. - Kaluahi, District - Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Main Secretariat, Patna.
2. Principal Secretary, Department of Social Welfare, Secretariat Patna.
3. Director, Directorate of Integrated Child Development Scheme, Indira Bhawan, 2nd Floor, Boring Canal Road, Patna.
4. Principal Secretary Department of Art, Culture and Youth, Government of Bihar, Patna.
5. Director-cum-Secretary, Bihar State Sports Authority, Moinul Haque Stadium, Rajendra Nagar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 656 of 2019

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Kusum Devi Wife of Late Gopal Prasad Resident of Mohalla- Choti Bazar,
Moghulpura, P.S.- Khajekalan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Main Secretariat, Patna.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Secretariat, Patna.
3. The Joint Secretary, Social Welfare, Department, Government of Bihar, Secretariat, Patna.
4. The Director, Integrated Child Development Services, Indira Bhawan, 2nd Floor, Boring Canal Road, Patna.
5. The Commissioner and Secretary, Department of Finance, Government of Bihar, Main Secretariat, Patna

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 749 of 2019

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Rajeshwar Prasad Son of Late Achay Lal Prasad @ Achchhelal Mahto
Resident of Village- Koriyawan, P.S.- Janipur, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Main Secretariat, Patna



2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Secretariat, Patna
3. The Joint Secretary, Social Welfare Department, Government of Bihar, Secretariat, Patna
4. The Director, Integrated Child Development Services, Indira Bhawan, 2nd Floor, Boring Canal Road, Patna
5. The Commissioner and Secretary, Department of Finance, Government of Bihar, Main Secretariat, Patna

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 2047 of 2022

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Manvendra Prasad Yadav Son of Late Jitendra Prasad Yadav Resident of Mohalla-Vishunpur Pakri, P.S.-Beur District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Main Secretariat, Patna.
2. Joint Secretary, Social Welfare Department, Government of Bihar Main Secretariat, Patna
3. Director, Directorate of Integrated Child Development Service (ICDS), Indira Bhawan, 2nd Floor, Ramcharitar Singh Path, Boring Canal Road, Patna.
4. Additional Chief Secretary, Finance Department, Government of Bihar, Main Secretariat, Patna.
5. Child Development Project Officer, Patna Sadar, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 3509 of 2022

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Baliram Ram Son of Late - Sukhdeo Ram, resident of Mohalla - V.I.P. Colony, near D.A.V. School, P.S.- Nawadah Town, District - Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Main Secretariat, Patna.
2. Joint Secretary, Social Welfare department, Government of Bihar, Main Secretariat, Patna.
3. Director, Directorate of Integrated Child Development Services (ICDS), Indira Bhawan, 2nd Floor, Ramcharitar Singh Path, Boring Canal Road, Patna.



4. Additional Chief Secretary, Finance department, Government of Bihar, Main Secretariat, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2694 of 2023

Vidya Sagar Singh Son of Late Paras Nath Singh Resident of Village-Musiyan, P.S.-Ramgarh, District-Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Main Secretariat, Patna.
2. Additional Chief Secretary, Department of Finance, Government of Bihar, Main Secretariat, Patna.
3. Director, Directorate of Integrated Child Development Services (ICDS), Indira Bhawan, 2nd Floor, Ramcharitar Singh Path, Boring Canal Road, Patna.
4. District Magistrate, Arwal.
5. District Programme Officer, (ICDS), Arwal.
6. Child Development Project Officer (CDPO), Kurtha, Arwal.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 16893 of 2014)

For the Petitioner/s : Mr.Kishore Kumar Thakur, Advocate
Mr. Braj Kishore Singh, Advocate

For the Respondent/s : Mr.Niraj Kumar, AC to GA-10

(In Civil Writ Jurisdiction Case No. 656 of 2019)

For the Petitioner/s : Mr.Kishore Kumar Thakur, Advocate
Mr. Braj Kishore Singh, Advocate

For the Respondent/s : Mr.Sunil Kumar Mandal, SC-3
Mr. Bipin Kumar, AC to SC-3

(In Civil Writ Jurisdiction Case No. 749 of 2019)

For the Petitioner/s : Mr.Kishore Kumar Thakur, Advocate
Mr. Braj Kishore Singh, Advocate

For the Respondent/s : Mr.Md.Raisul Haque , SC-10
Mr. Krishna Kant Singh, AC to SC-10

(In Civil Writ Jurisdiction Case No. 2047 of 2022)

For the Petitioner/s : Mr.Kishore Kumar Thakur, Advocate
Mr. Braj Kishore Singh, Advocate

For the Respondent/s : Mr.Sunil Kumar Mandal, SC-3
Mr. Bipin Kumar, AC to SC-3

(In Civil Writ Jurisdiction Case No. 3509 of 2022)

For the Petitioner/s : Mr.Kishore Kumar Thakur, Advocate
Mr. Braj Kishore Singh, Advocate

For the Respondent/s : Mr.Md.Raisul Haque , SC-10
Mr. Krishna Kant Singh, AC to SC-10

(In Civil Writ Jurisdiction Case No. 2694 of 2023)



For the Petitioner/s : Mr.Kishore Kumar Thakur, Advocate
Mr. Braj Kishore Singh, Advocate
For the Respondent/s : Mr.Sunil Kumar Mandal, SC-3
Mr. Bipin Kumar, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

14 25-04-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. The writ petitioners in all these writ applications are seeking a direction to the respondent authorities to absorb their services in the regular establishment of the respondent-State in compliance with the direction of this Court contained in the judgment and order dated 06.04.2011 passed in CWJC No. 10016/2007 as also in the light of the Division Bench judgment of this Court in LPA No. 608/2006 and other analogous cases. It is submitted that the judgment of this Court in LPA No. 608/2006 has attained finality as a challenge to the same in the Hon'ble Apex Court has failed.

3. The petitioners have also prayed for a direction to the respondents to provide them all consequential benefits of such absorption including salary and other admissible allowances.

4. Learned counsel for the petitioners submits that these petitioners happened to be the employees of the different Boards, Corporations and Public Sector Undertakings which



were decided to be wound-up. It is submitted that the petitioners were sent on deputation basis in the Integrated Child Development Project of the Social Welfare Department, Govt. of Bihar vide memo no. 21 dated 01.04.1997. When they were sought to be repatriated to their parent organization, the dispute arose and in CWJC No. 7462 of 2000 and other analogous matters, the learned writ court took a view that it was a case of simple repatriation but in Letters Patent Appeal, in LPA No. 608/2006 and seven other analogous matters the Hon'ble Division Bench vide its common judgment dated 19th April, 2010 quashed the orders of the respondent authorities by which the writ petitioners were to be repatriated. The respondent authorities were directed to treat the deputation of the appellants not a simple deputation but one under a valid policy for the purpose of rehabilitation or absorption through the device of transfer of service and to take follow up action, if required, within three weeks.

5. It is stated that the petitioners are the members of the Bihar State Government Employees Association which had moved this Court in CWJC No. 10016/2007 in its representative capacity seeking absorption of its members on such post on which they were working in different ICDS



projects as well as in different district offices of the State of Bihar and at Headquarters of the Directorate of ICDS under the Social Welfare Department.

6. Learned counsel for the petitioners submits that recently in case of Krishna Thakur Vs. State of Bihar & Ors. (CWJC No. 213/2023) disposed of on 25.02.2023, this Court had occasion to consider an identical case and having discussed the entire matter and the judgments of the Hon'ble Court rendered in such matters, this Court directed the Principal Secretary, Social Welfare Department (Respondent No. 1) and the Director, Directorate of Integrated Child Development Services (Respondent no. 3) to consider the case of the petitioner keeping in view the judgments of the Hon'ble Division Bench in LPA No. 608 of 2006 and it's analogous matters such as LPA No. 720/2006, LPA No. 787/2006 and LPA No. 788/2006, as also the judgment of the learned coordinate Bench in CWJC No. 10016/2007 and the resolution of the Department of Finance which have been referred and the one contained in Memo No. 4691 dated 14.09.2020. The respondents have been directed to take a decision within a period of three months from the date of receipt/communication of a copy of the order.



7. It is submitted that all these cases are identical to the case of Chanarik Baitha Vs. The State of Bihar and Others (CWJC No. 6834 of 2017) and identical directions as have been given by this Court in the case of Krishna Thakur is required to be issued.

8. Learned counsel for the State is present. Learned counsel submits that out of these six matters, the fact of one case i.e. CWJC No. 16893/2014 is slightly different inasmuch as he was repatriated with his consent but his submission has been contested by learned counsel for the petitioners pointing out the interim order of this Court passed in CWJC No. 10016/2007 whereunder this Court had directed the respondents not to interfere with the order of deputation and later on the said writ application was allowed.

9. Having heard learned counsel for the petitioners and the State, in the given facts and circumstances where the petitioners are claiming that they are identically situated with the Chanarik Baitha Vs. The State of Bihar and Others (CWJC No. 6834 of 2017) which has been heard and decided on 20.08.2018, this Court directs the Principal Secretary, Social Welfare Department (respondent no. 2) and the Director, Directorate of Integrated Child Development Scheme, Patna



(respondent no. 3) to consider the case of these petitioners keeping in view the judgment of the Hon'ble Division Bench in LPA No. 608/2006 (Avinash Vatsyayan Vs. State of Bihar & Ors.) and other analogous matters such as LPA No. 720/2006, LPA No. 787/2006 and LPA No. 788/2006, as also the judgment of the learned coordinate Bench in CWJC No. 10016/2007, C.W.J.C. No. 6834 of 2017 (Chanarik Baitha Vs. The State of Bihar & Ors.) and the resolution of the Department of Finance contained in Memo No. 4691 dated 14.09.2020 and take an appropriate decision maintaining uniformity in justice within a period of three months from the date of receipt/production of a copy of this order.

10. These Writ Applications stand disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

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