

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19484 of 2014

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Awadh Paswan S/o Bhangeru Paswan R/o Vill - Paharpur, P.O. - Mohnar,
P.S. - Mohnar, District - Vaishali, at present r/o Mohalla - Chakbinda, PS -
Gardanibagh, Distt - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner cum Secretary, Personnel and Administrative Reforms
Department Old Secretariat, Patna.
3. The Secretary Rural Development (EO and Panchayat Raj) Department,
Bihar, Patna.
4. The State Election Commission through Commissioner, 3rd Floor Sone
Bhawan, Bihar, Patna.
5. The Secretary, The State Election Commission, 3rd Floor Sone Bhawan,
Bihar, Patna.
6. The Director, The State Election Commission, 3rd Floor Sone Bhawan,
Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Namrata Mishra, Advocate
	:	Mr. Ravi Shankar Ganguli, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP 4
For S.E.C.	:	Mr. Sanjeev Nikesh, Advocate
	:	Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 01-09-2023

1. The present petition has been filed seeking the
following reliefs :-

*“(i) For holding and declaring that there
should not be any discrimination among the
employees either in connection to their
appointment or in connection to their
dismissal.*



(ii) For holding and declaring that where relief is granted by the Court in Writ proceeding to certain persons then the authority must grant the same benefit to similarly situated persons even if such person had not been a party to the said litigation. "There is no need to refer to the said Judgment as proposition of law is well established".

(iii) For holding and declaring that it would be the responsibility of the respondents to keep the track of the pronouncements made by the Hon'ble Courts so as to know that what pronouncements are applicable to whom and where. Not only so the State shall also be responsible to see that the State Litigation Policy, 2012 is thoroughly followed.

(iv) For holding and declaring that the order passed in case of Ajay Kumar Srivastava and The State and Others, PLJR VOL 3 page 2098 is being attracted in this case and the same may be applicable. “

2. The learned counsel for the petitioner has submitted that a bare perusal of the disengagement order dated 19.05.2005, passed by the Deputy Secretary, State Election Commission, Bihar, by which the petitioner has been disengaged from temporary service w.e.f. 19.05.2005 would show that the same



has been made subject to the outcome of the pending writ petition bearing C.W.J.C. no. 13738 of 2004. The learned counsel for the petitioner by referring to the order dated 15.07.2005, passed by a co-ordinate Bench of this Court in the said writ petition has submitted that a direction has been issued to the Election Commission that in case, they are in need of even temporary employees, they would consider the case of the writ petitioners including that of the petitioner for appointment on temporary basis since the petitioner has acquired some experience, however, it is the grievance of the petitioner that the said order dated 15.07.2005 has not been complied with.

3. If that be so, the petitioner is granted liberty to approach the respondent authorities for redressal of his grievance regarding him being not appointed even as a temporary daily wage employee, till regular appointments are made.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2023
Transmission Date	NA

