

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20387 of 2013

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1. Bikku Kumar Singh Son Of Satruhan Singh Resident Of Village - Dumari Adda, P.S. - Doriganj, District - Saran At Chapra
 2. Satyajeet Kumar Singh Son Of Awadh Bihari Singh Resident Of Village - Dumari Adda, P.S. - Doriganj, District - Saran At Chapra ... Petitioners

Versus

1. The State Of Bihar
2. The District Magistrate, Patna
3. The District Fisheries Officer-Cum-Chief Executive Officer, Patna
... Respondents

Appearance :

For the Petitioner/s : Mr.Narendra Kumar, Adv.
For the Respondent/s : Mr.Arun Kumar, GP V

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 06-02-2023 Admittedly, the petitioners were appointed on a contract of Rs.100/- per pond for serving under a scheme of the State Government which was invoked for 2009-10. The scheme has already elapsed.

The claim of the petitioner for appointment as Class IV post on the basis of having worked under the scheme is not made out in view of the judgment passed by the Supreme Court in the case of **Mohd. Abdul Kadir & Anr. Vrs. Director General of Police of Assam & Ors.**, reported in (2009) 6 SCC 611, wherein the Supreme Court has held as under :

“13 : The fact that the appellants were employed under the PIF Additional Scheme is not disputed.



The duration of PIF Additional Scheme under which they are employed was initially two years, to be reviewed for continuation along with the original PIF Scheme. The said scheme is being extended from time to time and is being continued. If the temporary or ad-hoc engagement or appointment is in connection with a particular project or a specific scheme, the ad hoc or temporary service of the persons employed under the Project or Scheme would come to an end, on completion/closure/cessation of the Project or the Scheme.

14 : The fact that the Scheme had been in operation for some decades or that the employee concerned has continued on ad hoc basis for one or two decades would not entitle the employee to seek permanency or regularization. Even if any posts are sanctioned with reference to the Scheme, such sanction is of ad hoc or temporary posts co-terminus with the scheme and not of permanent posts.

15 : On completion of the project or discontinuance of the scheme, those who were engaged with reference to or in connection with such Project or Scheme cannot claim any right to continue in service, nor seek regularization in some other project or service.”

The writ petition is devoid of merit and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 70

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