

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5124 of 2018

1. Prashant Kumar Singh and Ors son of Late Rajeshwar Rai, Resident of Village- Kamla Gopalpur, P.S. Maner, District- Patna.
2. Manjit Kumar, son of Devendra Kumar, Resident of New Harnichak, P.S. Beur, District- Patna.
3. Arun Kumar, son of late Bhagwat Sharma, Resident of Yamuna Path behind P.N.B. Hanichak, Anishabad, P.S. Gardanibagh, District- Patna.
4. Ramesh Kumar, son of Upendra Mehta, Resident of Mohalla- Choti Nagla, Police Station- Malsalami, District- Patna.
5. Ravi Ranjan, son of Ram Babu Choudhary, Resident of Village- Dumri, Police Station- Punpun, District- Patna.
6. Satyendra Kumar Rathaur, son of Shiv Dutt Kumar, Resident of Village- Chechadhi, Police Station- Obara, District- Aurangabad.
7. Md. Azaz Ahmad, son of Abdul Jazzar, Resident of Village- Raje West, Police Station- Manigachi, District- Darbhanga.
8. Dhaneshwar Kumar Bharti, son of Late Jagdish Paswan, Resident of Radha Mohan Nagar Colony, Police Station- Phulwarisharif, District- Patna.
9. Dinesh Kumar, son of Late Yamuna Singh, Resident of Teacher Colony Kumhrar, Road No. 3, Police Station- Agam Kuan, District- Patna.
10. Manish Kumar, son of Mithilesh Kumar, Resident of Indrapuri Sipara, Police Station- Beur, District- Patna.
11. Sunil Kumar Singh, son of Late Bhuneshwar Singh, Resident of Village- Muswat, Police Station- Natwar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Agriculture Department, Bihar, Patna.
3. The Bihar Public Service Commission, through its Secretary, Bailey Road, Patna.
4. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Respondent/s : Mr. P.N. Shahi- AAG-6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-07-2023

The prayer in the writ petition is for incorporation of weightage of work experience in the Bihar Agriculture Service Category 1 (AGRO) Cadre (Appointment, Promotion and Service Conditions) Rules, 2014.

2. The appellants are Agriculture Co-ordinators working in the Department and are graduates in agriculture, which is the minimum educational qualification for direct recruitment as per Cadre Rules of 2014, which is produced as Annexure-1. The petitioners were earlier appointed to the post of Subject Matter Specialist (for brevity 'SMS') by the Agriculture Department on contract in pursuance of advertisement of 2009. Though, they were appointed on contract basis, the appointment was made to sanctioned posts. After continuing for some years, the Department abolished the post of SMS by memo dated 15.05.2013. However, later a new post of Agriculture Co-ordinator was sanctioned by notification dated 25.07.2013 and by a due selection procedure, all the petitioners, who were earlier SMS, were appointed as Agriculture Co-ordinators again on contract, since the Cadre Rules were under process. The Rules of Agriculture Co-ordinators also came to be notified in the year 2014 and the petitioners were also duly



appointed as Agriculture Co-ordinators. While making such appointment, weightage of work experience under contractual appointment and age relaxation was given to the petitioners and they were appointed regularly in the post of Agriculture Co-ordinators. The prayer now is to grant weightage and incorporate the same in the Cadre, for which rules have been prescribed as per Annexure-1. The petitioners also seek for similar treatment as has been provided in Annexure-8.

3. We heard learned Senior Counsel Mrigank Mauli for the appellant and Sri Raghwanand, the learned Government Advocate for the respondents. It was specifically pointed out by the learned Government Advocate that the petitioners are in a different cadre and they were given weightage for regularization in their posts. The prayer now is for weightage in the higher post that come under the Cadre Rules, produced as Annexure-1.

4. Admittedly, while regularizing the contract employees in the post of Agriculture Co-ordinators, they were given due weightage of their service and also provided with benefits of relaxation of age. Annexure-8 judgment was also in a case where the Fisheries Extension Officers on contract basis raised claim for regularization. The judgment clearly indicates



that in the State of Bihar, for one reason or the other, however, still keeping in mind the requirement of man power and the vacancy position in various departments, contractual appointments were made on large scale. Those contract employees who had been working for long, had aspiration to be regularized in the said post. Therein, the Fisheries Department had raised a contention that the resolution of General Administration Department, insofar as giving weightage for the purpose of regular appointment in substantive posts would not be applicable to them. The stand of the Fisheries Department was deprecated and the Director, Fisheries, Government of Bihar, was directed to abide by the directives of the General Administration Department. In fact, similar circumstances exist in the case of the petitioners who were first appointed on contract basis as SMS and then as Agriculture Co-ordinators and later regularized by granting weightage as also age relaxation. The claim now is for further weightage in the higher post, the Cadre Rules of which has been brought about in the year 2014.

5. We also see Annexure-C order passed by a Division Bench of this Court wherein the petitioners were Deputy Project Directors appointed on contract basis, who



claimed for regularization after giving due weightage. This was granted by the Government and, thus, the writ petition was also closed. Therein also persons appointed to a work on contract basis were conferred with regularization, granting them due weightage of service as contract employees. The petitioners, who are in the lower cadre cannot claim for weightage or age relaxation, to be appointed in the higher cadre.

6. We find absolutely no reason to entertain the writ petition and similar circumstances pointed out by the petitioners was in the circumstances of regularization of contract employees; which weightage was provided to the petitioners also when they were regularized in their posts.

7. The writ petition would stand dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	24.07.2023
Transmission Date	

