

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9787 of 2008

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Bachchu Singh, Son of Late Deep Narayan Singh, R/o Village-Hadipur, P.O.-Gehuni Bachhawara, District-Begusarai, presently working as Driver-cum-Mechanic, Krishi Vigyan Kendra, Shram Bharti Khadigram, Jamui.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary Agriculture Department, Govt. of India, New Delhi.
2. The Director General, Indian Council of Agricultural Research, Krishi Anushandhan Bhawan, New Delhi.
3. The Deputy Director General(Agriculture Extension, ICAR), Krishi Anushandhan Bhawan, New Delhi.
4. The Zonal Co-ordinator Zonal Coordinating Unit, T.O.T. Project, Zone II, Indian Council of Agricultural Research, Kolkatta.
5. The Sharam Bharati Khadigram, P.O.-Khadi Gram, P.S.-Barahat, District-Jamui.
6. The Director, Sharam Bharati Khadigram, P.O.-Khadi Gram, P.S.-Barahat, District-Jamui.
7. The Director, Sharam Bharati Krishi Vigyan Kendra, Khadigram, P.O.-Khadi Gram, P.S.-Barahat, District-Jamui.
8. The Programme Coordinator, Sharam Bharati Krishi Vigyan Kendra, P.O.-Khadi Gram, P.S.-Barahat, District-Jamui.
9. Dr. Raj Narayan Singh, Programme Coordinator, Sharam Bharati Krishi Vigyan Kendra, P.O.-Khadi Gram, P.S.-Barahat, District-Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Verma, Advocate
	:	Mr. Sanjay Kumar, Advocate
For the respondents	:	Mr.Abhay Kumar Roy, Advocate
	:	Mr. Sanjay Kumar Verma, Advocate
For the ICAR	:	Mr. S.N.Pathak, Advocate
	:	Mr. Saurav Nikunj, Advocate
For Private respondent 5 to 9:	:	Mr. Binod Bihari Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
CAVJUDGMENT

Date : 20-12-2023

Heard Mr.Sanjay Kumar Verma, learned counsel

appearing for the petitioner, Mr. S.N.Pathak, learned counsel

appearing for the Indian Council of Agricultural Research assisted



by Mr. Saurav Nikunj, learned counsel and Mr. Binod Bihari Singh, learned counsel appearing for the private respondent Nos. 5 to 9.

2. This writ application has been filed for a direction to the respondents to regularize the service of the petitioner on the sanctioned vacant post of Driver-cum-Mechanic in Shram Bharati Krishi Vigyan Kendra, Jamui.

3. The petitioner was engaged as Driver-cum-Mechanic in the year 1987 in Shramabharti Khadigram, a Social Organization. The petitioner was appointed on temporary basis on sanctioned and vacant post of Driver-cum-Mechanic but in view of the perennial nature of job, the services were duly extended from time to time and the petitioner rendered continuous service for more than 08 years in Shramabharti Khadigram, a Social Organization.

4. The Shram Bharati Khadgram entered into an agreement known as Memorandum Understanding with a view to carry out the scheme of Krishi Vigyan Kendra and as stipulated under memorandum of understanding. The petitioner was selected for his appointment and posting in Shrambharati KVK in April 1995. The Institute with a view to protect the interest of their employees decided to regularize their services and for that purpose it was decided to conduct an interview. In pursuant to the



interview letter, the petitioner entered into an interview on 05.08.1997. Again in the year 2000 the authorities decided to conduct another interview for the said purpose but later on interview was postponed.

5. It is pertinent to mention here that the memorandum of understanding provided for Shram Bharati Khadigram's undertaking for adopting the salary structure of various scientific, technical and other staffs as per pay scale sanctioned by Indian Council of Agricultural Research (hereinafter called ICAR) and the employee of the Shram Bharati Khadigram including the petitioner was granted benefits of pay scale as admissible for the post of Driver-cum-mechanic and accordingly, the petitioner was put in pay scale of Rs.3050-4590/-.

6. As per Staff position as on 29.02.2008 which suggests that the petitioner was a temporary employee in Shram Bharati and it is not in dispute that the petitioner has continued in service of 13 years in Shram Bharati Krishi Vigyan Kendra against vacant and sanctioned post of Driver-cum-Mechanic.

7. Learned counsel for the ICAR and learned counsel for the private respondent Nos.5 to 9 submits that the scheme project known as 'Krishi Vigyan Kendra' sponsored by Indian Council of Agriculture Research, New Delhi, a society registered under



Society's Registration Act, 1860 was sanctioned to 'Shram Bharati' in the year 1994 by the Council for implementation of a Krishi Vigyan Kendra. In fact the petitioner never appointed even as temporarily or on ad-hoc basis as Driver-cum-mechanic in the Indian Council of Agriculture Research, New Delhi rather engaged on contractual basis in Shram Bharati, Khadigram in the year 1987 which is not a 'State' under Article 12 of the Constitution of India and in view of the aforesaid this writ application is not maintainable and fit to be dismissed on this ground alone.

8. Learned counsel for the respondents relied upon a judgment laid down by a Special Bench of this Court in the case of **The Organizer, Dehri C.D. and C.M. Union Ltd. Vs. The State of Bihar and Ors**, reported in **2014(1) PLJR 695** and another judgment in the case of **The Managing Director Multi State Cooperative Development Bank Ltd. & Anr. Vs. Ram Bihari Singh** passed in **LPA No. 1328 of 2015** which was disposed of on **18.09.2017**. Further submits that the petitioner has alternative remedy of raising the dispute relating to his service condition before the appropriate forum in terms of Section 84 of Multi State Cooperative Society Act.

9. Learned counsel for the petitioner is not in a position to distinguish the aforesaid order of this Court nor they can come



out to distinguish the judgment of the Special Bench in the case of **Organizer, Dehri C.d. and C.M. Union Ltd.**(Supra).

10. That being so, this Court is of the view that the writ application is not maintainable in view of the aforesaid judgment and this Court would only give liberty to the petitioner to file a representation before the appropriate forum in accordance with law who shall examine the same and do the needful.

11. With the aforesaid observation and direction, this writ application is disposed of.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	06.11.2023.
Uploading Date	02.01.2024
Transmission Date	02.01.2024

