

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.492 of 2023

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Rajendra Kumar, Son of Ramcharitra Ray, Resident of Village- Vasopur, P.S.-
Barauni, District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary General Administrative Department Govt. of Bihar, Patna.
2. The Finance Commissioner, Govt. of Bihar, Patna.
3. The Secretary Cum Commissioner, Department of Co-Operative Government of Bihar Vikash Bhavan, Patna.
4. The Register Co-Operatives Society Department of Co-Operative Government of Bihar, Patna.
5. The Accountant General, Bihar Mahalekhakar Bhavan, Veerchand Patel Path, Patna.
6. The District Magistrate, Bhagalpur, P.S. and District Bhagalpur.
7. The Sub Divisional Officer, Bhagalpur, P.S. and District Bhagalpur.
8. The Managing Director, Begusarai Central Co-operative Bank.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Dr. Anjani Pd. Singh, Adv.
For the State	:	Mr. Tripurari Nath Ambastha, AC to SC-26
For the Accountant General	:	Mr. Chaitanya Swaroop, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-03-2023 Heard learned counsel for the petitioner and learned

AC to SC-26 for the State as also learned counsel for the

Accountant General.

2. The petitioner in the present writ application is

seeking the following reliefs:-

“ I. To count (wrongly typed court) total service
period of the petitioner earlier render in co-operative
department i.e., Manager PACS Primary Agriculture
Credit Society, Barauni, Begusarai subsequently under
Collectariate, Bhagalpur and give all consequential
benefits to the petitioner.



ii. To comply the 'Sankalp' of finance department government of Bihar vide letter no. 631 dated 29.01.22 by which the government of Bihar has decided to give all the subsequential benefits to the employee as per Jharkhand State."

3. It is the case of the petitioner that he was earlier working as Manager in the Primary Agriculture Credit Co-operative Society (In short "PACS") at Begusarai. An advertisement bearing Advertisement No. 01/2000 came to be issued on 09.04.2000 in the light of the judgment dated 20.08.1998 passed by the Hon'ble Supreme Court in SLP (Civil) No. 7357/1996 whereunder Managers working in different Co-operative Societies in State of Bihar were given an opportunity to appear in a limited competitive examination which was being conducted for purpose of their absorption against the Class III posts in the Government.

4. It is further case of the petitioner that he applied for the Class III post under the said scheme for which the advertisement was issued. He was selected and was appointed in the Collectariate, Begusarai on 10.03.2003. He retired from service on 31.05.2016 with clean record.

5. Learned counsel for the petitioner submits that in these circumstances, the petitioner would be entitled to count his total service period including that of those rendered as Manager of the "PACS", Barauni, Begusarai. It is submitted that the



department of finance, Government of Bihar has vide letter no. 631 dated 29.01.2022 as contained in Annexure '1' to the writ application decided to count the services of those who have worked in the Boards and Corporations of the Government and were later on absorbed in the different departments /offices of the Government by way of absorption. The submission is that similar benefit accrues to the petitioner also and his service as Manager of PACS be also added to his total service period.

6. The writ application has been opposed by the learned counsel for the State and learned counsel for the Accountant General. It is submitted that the Advertisement No. 01 of 2000 (Annexure '2') was issued on the direction of the Hon'ble Supreme Court to absorb the PACS Managers against 1750 posts in the various departments/offices of the Government. For this purpose a special limited competitive examination was conducted. Those PACS Managers who were eligible to participate in the said examination were allowed to participate and later on all the 1750 posts were filled up from amongst the eligible PACS Managers. It is submitted that the petitioner having retired from service on 31.05.2016, has at this stage moved this Court with a completely misconceived prayer that his service period spent as Manager of the PACS be allowed



to be counted as a Government employee. According to learned counsel for the State, the petitioner entered in the service of the State Government only by virtue of the scheme framed by the Hon'ble Supreme Court and under the said scheme there was no stipulation that the petitioner or the persons similarly situated with the petitioner would be entitled to count the period spent by them as Manager of PACS.

7. Having heard learned counsel for the petitioner, State and the Accountant General as also on perusal of the records, this Court finds substance in the submission of learned counsel for the State and the Accountant General. It is an admitted position that the petitioner entered into Government service by virtue of a scheme framed by the Hon'ble Supreme Court in compliance of which the advertisement as contained in Annexure '2' was issued. A special limited competitive examination was conducted for absorption against 1750 posts from amongst the eligible PACS Managers. The petitioner entered into service in the year 2003 and thereafter having rendered about 13 years of service he has retired on 31.05.2016. At this stage, the present writ application has been filed after about seven years of his retirement in which he is claiming to add the service period of his working as a Manager of the



PACS.

8. To this Court, it appears that the writ application is completely misconceived.

9. The petitioner cannot claim the said period during which he was not in the Government Service, moreover his appointment is under scheme which does not provide for adding of such period. The reliance placed on Annexure '1' to the writ application is equally misconceived.

10. This writ application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J.)

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