

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1618 of 2020

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Ranbeer Kumar Yadav Son of Sri Kapileshwar Yadav Resident of Village-
Pipra Hari, Ward no.14, Post- Pipra Khurd, P.S. and District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Labour Resources Department, Govt. of Bihar, Patna.
2. The Director, Employment and Training Labour Resources Department. Govt. of Bihar, Patna.
3. The Joint Director, Employment and Training Labour Resources Department. Govt. of Bihar, Patna.
4. The Assistant Director, Employment and Training Labour Resources Department. Govt. of Bihar, Patna
5. The Assistant Director, Technical Education Lab-our Resources Deptt.. Govt. of Bihar, Patna
6. The Principal, Govt. Industrial Training Institute Udakishunganj, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar, Adv.
For the State : Mr. Anil Kr. Singh (GP26)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 27-06-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner is aggrieved by the impugned order dated 11-05-2018 (Annexure-1), contained in Memo No. 949 issued under the signature of the Director, Employment and Training, Labour Resources Department, Government of Bihar,



Patna, as the selection of part-time/Guest Instructors has been cancelled taking notice of the large scale irregularity in the process of selection.

3. The petitioner claims to have participated in the process for selection of *Atithi Anudeshak* in the ITI's. It is his submission that he had participated in the process of selection for part time/Guest Instructors, Government Industrial Institute, Udakishunganj, Madhepura, and had given his joining at the Institute on 19-01-2017.

4. Other persons effected by the impugned order dated 11-05-2018, had approached this Court in CWJC No. 21657 of 2018 (Sunil Kumar Bharti Vs. The State of Bihar & Ors.), and its analogous cases, (Annexure-5) wherein, this Court on 21-01-2019 has passed the following orders:-

“35. Thus the impugned order dated dated 11.05.2018 contained in Memo No. 949 issued under the signature of the Director, Employment and Training, Labour Resources Department, Government of Bihar, Patna, for the present, would remain in ‘abeyance’ and in the interregnum period, before the State prescribes the life of the erstwhile panel, the petitioners shall not be disturbed and shall be permitted to continue with their



engagement. This Court says so also for the purposes of parity (referred to the order dated 13.08.2018 passed in C.W.J.C. No. 10019 of 2018).

36. This order would however be subject to the outcome of the LPA referred to above or the government coming out with any specific rule/process of appointment or rule regulating the life of the panel.

37. The writ petitions are allowed subject to the aforesaid directions/observations.”

5. A counter affidavit has been filed on behalf of the Respondent Nos. 1 to 6. The specific assertion of the respondents in the counter affidavit is based on the list of empanelled part time/Guest Instructors in the Government Industrial Institute, Udakishunganj, Madhepura dated 11-02-2020, bearing letter No. 26 which is Annexure-A to the counter affidavit, that the petitioner was not even empanelled in the said Government Industrial Institute, Udakishunganj, Madhepura and, therefore, there is no question of the petitioner ever having submitting his joining.

6. On consideration of rival submissions, this Court would observe that the impugned order dated 11.05.2018 was assailed immediately by the petitioners of CWJC No. 21657 of



2018. The petitioner, on the other hand, remained a “fence sitter”. It is also clear from the stand taken in the counter affidavit based on Annexure A(supra), that the petitioner was not even empanelled in the panel/list dated 11.02.2020.

7. The joining asserted by the petitioner in the writ petition is also without reference to any details/document. The petitioner, therefore, in the opinion of this Court, is not in a position to claim parity with the beneficiaries of the CWJC No. 21657 of 2018. In fact, no right of the petitioner is made out based on the materials on the record.

8. The writ petition is, therefore, dismissed.

(Madhuresh Prasad, J)

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