

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3743 of 2020

1. Sumit Kumar, Son of Santosh Kumar Srivastava, Resident of Ward No-26, Dhantoliya, Dehri On Sone, P.S.-Dehri, District-Rohtas.
2. Sanyog Kumar, Son of Janardan Prasad, Lane No-4 Adarsh Colony, Bauuliya Road, P.S.-Sasaram, District-Rohtas.
3. Kamlesh Kumar, Son of Shambhu Prasad Singh, Resident of Bauuliya Road (Jagdev Path), P.S.-Sasaram, District-Rohtas.
4. Ravi Shanker Singh, Son of Shiv Shankar Singh, Resident of Village-Sidhauli, P.S.-Dehri District-Rohtas.
5. Avinash Kumar, Son of Rajkishore Mehta, Resident of Kandh Bahuara, P.S.-Karakat Gorari, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Dept. of General Administration Government of Bihar.
2. The District Magistrate, Rohtas as Sasaram
3. The Deputy Collector (Establishment), Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Asif Kalim, Advocate
For the Respondent/s : Mr.Manish Kumar (GP4)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 05-01-2024

Heard learned counsel for the petitioners and
learned counsel for the State.

2. The present writ petition has been filed for a direction to the respondent authorities to prepare a District level panel of those terminated/removed (removed/terminated except disciplinary cause) Executive Assistant or I.T. Assistant including the petitioners thereafter re-appoint/reengage them



after giving advertisement in daily newspaper.

2. Learned counsel for the petitioner submits that vide Memo No.286 dated 13.02.2014, the petitioners were engaged for 11 months in the Bihar State Food and Civil Supply Corporation Limited. On 24.05.2018, a meeting of the Bihar Administrative Reforms Mission Society, an undertaking of the General Administration Department, Government of Bihar was held and in that meeting, it was resolved that terminated/removed (removed/terminated except disciplinary cause) Executive Assistant or I.T. Assistant will be given re-appointment/re-engagement and in that regard, a panel will be prepared. The said resolution dated 24.05.2018 was communicated to all the District Magistrates through Memo No. 909 dated 02.07.2018. Thereafter, the Deputy Collector (Establishment), Rohtas vide Memo No.705 dated 08.08.2018 sought a list of removed/terminated Executive Assistant or I.T. Assistants from the various departments of the district. In response thereto, a list of a total 13 removed/terminated Executive Assistant/I.T. Assistant was sent by the District Manager, State Food Corporation, Rohtas at Sasaram. But thereafter despite several representations being made by the petitioners neither any panel was prepared nor any appointment



was made.

3. On the contrary, learned counsel for the State submits that a detailed counter affidavit has been filed stating therein that all the petitioners were appointed in the State Food Corporation through the Bihar State Electronics Development Corporation Ltd. (BELTRON). Counsel for the State further submits that a letter has been issued by the Special Executive Officer for reemployment of the petitioners and other similarly situated persons and in this regard an instruction has been issued to the petitioners to appear. It has been decided at the level of the Bihar State Electronics Development Corporation Ltd. (BELTRON) that whoever wants to appear in the panel of the Bihar State Electronics Development Corporation Ltd. (BELTRON), has to appear in the Eligibility Test. But the petitioner opted not to appear in the said test and it is due to this reason, the petitioner has no case at all.

4. Upon going through the arguments and the documents, it transpires to this Court that said decision to appear in the Eligibility Test has been taken only in the light of the order passed in CWJC No. 8379 of 2020 (Ravi Raj and Ors. Vs. the State of Bihar and Ors.) in which petitioners were not party. Hence, this Court is of the opinion that on the one hand,



the petitioner opted not to comply with the court’s order on the basis of which, the opportunity was granted to the petitioner and other persons by the Bihar Administrative Reforms Mission Society, on the other hand, they moved before this Hon’ble Court.

5. In view of the aforesaid, the present writ petition warrants no interference. Accordingly, it is dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	06/01/2024
Transmission Date	NA

