

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.69 of 2022

In

Civil Writ Jurisdiction Case No.10148 of 2021

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1. Kamal Kumar S/o Indra Deo Yadav, Resident of Village - Kama Bigha, Aurangabad, Bihar - 824101.
 2. Rohit Kumar Shahee, S/o Vinod Singh, Resident of Village - Padariya, P.O. - Padariya, P.S. - Simra, Dist. - Aurangabad.
 3. Bijendra Kumar, S/o Late Ram Lakhan Ram, Resident of Ward No. 22, Navadih Road, Jagjiwan Nagar, Aurangabad, Bihar.
 4. Rohit Kumar, S/o Shankar Mehta, Resident of Village and P.O. - Dharmsala Chowk, Mahua Shahid, Dharmsala More, Ward No. 29, Aurangabad, Bihar 824101.
 5. Dharmendra Kumar, S/o Sabulal Prajapat, Resident of Village and P.O. - Goh, District - Aurangabad, Bihar, Pin - 824203.
 6. Indrajeet Kumar, S/o Uma Shankar Prasad, Resident of Village and P.O. -04, Dani Bigha, Aurangabad, Aurangabad (Bihar), Bihar - 824101.
 7. Suman Kumari, D/o Ramdeo Singh, Resident of Village and P.O. - Nima Post, P.S. - Daud Nagar, Bhakhura, Aurangabad, Bihar - 824113.
 8. Pramod Kumar, S/o Sohar Ram, Resident of Village - Ward No. 1, Jasoiya Misir Bigha, P.O. - Aurangabad, Thana- Aurangabad, Bihar - 824101.
 9. Akshay Kumar, S/o Gupta Prasad, Resident of Village and P.O. - Hajari Karma, Rayapura, Aurangabad, R.B. Nagar, Bihar - 824102.
 10. Niraj Kumar @ Niraj Kumar Yadav, Son of Devendra Prasad Yadav, Resident of Village and P.O. - Aurangabad, Bihar - 824101.
 11. Rikesh Kumar, S/o Babulal Saw Rampur, Raipur, Aurangabad, Bihar - 824121.
 12. Husne Alam, S/o Ghulam Shahid, Resident of Village - Street Dharnindhar Road, Landmark - Rajrshi Vidya Mandir, ARa/Locality/ Sector - Bratpur, Darzi Muhalla, District - Aurangabad, P.O. - Aurangabad, Bihar - 824101.
 13. Ranjeet Kumar @ Ranjeet Kumar Singh, S/o Amresh Singh, Resident of Chein, Chein Nawada, Aurangabad, Chein, Bihar - 824103
 14. Sanju Kumari, D/o Pyare Lal, Resident of Mohalla - Baluganj, Daudnagar, Aurangabad, Daudnagar, Bihar - 824143.
 15. Amrit Kumar Singh @ Amrit Kumar Sinha, Son of Krishna Prasad Sinha, Resident of Village and P.O. - Majurahi, Aurangabad, Bihar - 824102.
 16. Ajay Narayan, S/o Beni Madhaw Ram, Resident of Village and P.O. - Woob, Ub, Bihar - 824124.
 17. Rahul Kumar Shahee, S/o Vinod Singh, Village - Padariya, P.O. - Padariya, P.S. - Simra, Dist. - Aurangabad, Bihar.
 18. Mukesh Kumar Singh, S/o Parikhan Singh, Resident of Village and P.O. - Garh Baniyan, Banian, Aurangabad, Bihar - 824208.

... .. Appellant/s

Versus



1. The State of Bihar through the Chief Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj, Government of Bihar, Patna.
3. The Managing Director, Bihar Administration Reforms Mission Society, Government of Bihar, Patna.
4. The Additional Secretary, to Government of Bihar, Patna.
5. The Additional Director, Bihar Administration Reforms Mission Society, Government of Bihar, Patna.
6. The OSD, Bihar Administration Reforms Mission Society, Government of Bihar, Patna.
7. The Managing Director, Bihar State Electronic Development Corporation Ltd. (hereinafter referred to as Beltron), Bihar, Patna.
8. The District Magistrate, Aurangabad, Bihar.
9. DDC, Aurangabad, Bihar.
10. DPRO, Aurangabad, Bihar.
11. Additional Collector (Establishment), Aurangabad, Bihar.
12. Civil Surgeon - Cum - Member Secretary District Society, Aurangabad, Bihar.
13. District Program Manager, District Health Society, Aurangabad, Bihar.
14. Executive Director, State Health Society, Patna, Bihar.
15. Director, Panchayati Raj Department, Patna, Bihar.
16. Chandra Prakash, S/o Ramadhar Sharma, Resident of Village - Makhara, Mahuawan, Aurangabad, Kaithi, Bihar - 824124.
17. Prabha Kumari, D/o Mahendra Prasad Singh, Resident of Village - Gira Ratanpur, Aurangabad, Obra, Bihar - 824124.
18. Piyush Kumar, S/o Mahendra Vishwakarma, Resident of Village and P.O. - Unthu, Aurangabad, Unthu, Bihar - 824121.
19. Ganesh Kumar, S/o Kesho Dusadh, Resident of Village and P.O. - Uchit Bigha, Haspura, Aurangabad, Bihar - 824120.
20. Vishnudeo Kumar, S/o Gajendra Prasad, Resident of Kanduram Ki Garhi, Ward Number 10, Daudnagar, Aurangabad, Bihar.
21. Md. Danish Raza, S/o Aabid Hussain, Village - Chakku Bigha, Post - Kinap, Gobardhanpur Aurangabad, Bihar - 824120.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Santosh Kumar Pandey, Advocate
For the State	:	Mr.Prabhat Kr. Verma, AAG-3
		Mr. Sanjay Kumar Ghosarvey, AC to AAG-3
For the Resp. No. 16 & 18:		Mr. Radheshyam Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY



ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-07-2024

The appellants are aggrieved with the impugned judgment, which declined the claim raised for absorption in the existing vacancy of Executive Assistant in Aurangabad District and the stipulation for clearing the Data Entry Operators qualifying examination to be included in the panel for contractual appointment.

2. The learned Single Judge found that the petitioners, appellants herein, have no vested right either for absorption on contractual employment. The decision in *State of Karnataka v. Umadevi (3), (2006) 4 SCC 1* was relied on. Liberty was reserved to the petitioners to participate in the future recruitment to the very same post.

3. The appellants' contention is that they were empanelled for the purpose of contractual appointment to the post of Executive Assistant/Data Entry Operators in the State of Bihar. The appellants were empanelled in the District of Aurangabad but they were appointed in the District Health Society since there was requirement for Executive Assistant thereat. The appellants alleged that they were unceremoniously sent out from the District Health Society and sent back to the



panel as available in the District of Aurangabad. It is also stated that the order which remitted them to the District panel, spoke of a request having been made by them to that end; which is factually incorrect.

4. The respondents have filed a counter affidavit specifically indicating that in the District Health Society, the work of the Executive Assistants were outsourced through an Agency. This is a purely policy decision of the Government. In such circumstance, of another mode of employment having been resorted to, the contractual employees cannot claim either absorption or retention as contractual employees.

5. We find absolutely no reason to interfere with the judgment of the learned Single Judge and reject the appeal.

6. Interlocutory application(s), if any, shall also stand disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	10.07.2024
Transmission Date	

