

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12599 of 2013

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1. Harendra Jha S/O Late Girijanand Jha, resident of village- Chunapur, P.O.-
Hawai Adda Chunapur, P.S.- K. Nagar, District- Purnea.
 2. Abhineet Kumar S/O Pradeep Kumar Jha, resident of village- Bhora, P.O.-
Budhiya, P.S. - Sarsi, District- Purnea.
 3. Mir Mohammad Yasin S/O Late Mir Mohammad Sabeeh, resident of
village- Mirupur, P.O.- Mohalbari, P.S.- Dagarwa, District- Purnea.
 4. Niranjan Rai S/O Late Girijanand Rai, resident of village & P.O.
Mahalbari, P.S.- Dagarwa, District- Purnea.
 5. Sanjay Kumar S/O Late Madho Chaudhary, resident of village- Chapra
Ramnagar, P.O. - Chapra Ramnagar, P.S.- Janki Nagar, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Agricultural Producer Commissioner, Department of Agriculture,
Government of Bihar, Patna.
4. The District Magistrate, District-Purnea.
5. The District Agriculture Officer, District-Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jibendra Mishra, Advocate
For the Respondent/s : Mr. Anwar Karim, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 05-09-2024

Heard Mr. Jibendra Mishra, learned counsel
appearing on behalf of the petitioners and Mr. Anwar Karim,
learned counsel for the respondent/s.

2. The petitioners in paragraph no. 1 of the present



writ petition have sought *inter alia* following relief(s), which is reproduced hereinafter:

"(i) For quashing the Office order bearing Memo No. 837 dated 02.09.2010 issued under the signature of the District Agriculture Officer, Purnea, Respondent No. 5; whereby and whereunder the petitioner who were appointed as Agricultural Advisors vide office order bearing Memo No. 825 dated 27.08.2010 was cancelled due to some defect in the Reservation Roster (Annexure-5)

(ii) For directing the Respondent Authorities to reinstate the petitioners to the post of Agriculture Advisors on which post they had been appointed after due process of selection.

(iii) For directing the Respondent Authorities to pay the petitioners their honorarium/remuneration which is duly payable to them.

(iv) For any other relief or reliefs for which the petitioners may be found entitled to in the facts and circumstances of the case."

3. The brief facts of the case are that in the year 2010, an advertisement was published on 18.04.2010 in daily Hindi Newspaper "*Hindustan*", inviting applications for filling up the posts of Agriculture Advisors and the scheme for appointment of Agriculture Advisors on the *Panchayat* level was approved by the State Government. The minimum qualification for the post was fixed as I.Sc. (Agriculture) or I.Sc., who would be provided training of 45 days at the Rajendra Agriculture University, Pusa. The applications were invited from 20.04.2010 to 15.05.2010. Draft merit list was to be published on 25.05.2010 and objections were to be made on draft merit list up to 05.06.2010. Final publication of merit list was to be made up to 12.06.2010. Letters for selection were to be sent up to



16.06.2010 and the signatures on the consent letters were to be put up to 15.07.2010. The advertisement also mentions that the terms of appointment was for Financial Year 2010-11, which was extendable subject to the conditions of satisfactory service of the candidates during said service. The petitioners have claimed that they had all the requisite qualifications to be appointed as Agriculture Advisors. Petitioners no. 1 to 4 belong to General Category and petitioner no. 5 belongs to Other Backward Cast Category. Name of the petitioners found place in the first merit list and they were directed to appear on 23.06.2010 and 24.06.2010 along with all the necessary certificates vide Memo No. 669 dated 17.06.2010 issued under the signature of the District Agriculture Officer, Purnea for counseling. Thereafter, the candidature of the petitioners were considered and vide Officer Order bearing Memo No. 825 dated 27.08.2010, final merit list was published and the persons, whose name found place in the final merit list, were directed to submit their joining within four days. Name of the petitioner no. 1 stood at Serial No. 197, name of the petitioner no. 2 stood at Serial No. 245, name of the petitioner no. 3 stood at Serial No. 252, name of the petitioner no. 4 stood at Serial No. 239 and name of the petitioner no. 5 stood at Serial No. 241 in the final



merit list for appointment of the candidates as Agriculture Advisors and the petitioners had joined thereafter pursuant to the Office Order dated 27.08.2010. The petitioners were surprised that all of a sudden, vide Office Order bearing Memo No. 837 dated 02.09.2010, they were informed that their appointments were cancelled and a revised/amended list was published for appointment on the said post issued under the signature of the District Agriculture Officer, Purnea- Respondent no. 5.

4. The petitioners are aggrieved that after their joining on 03.09.2010 as per the decision of the State Government, the unilateral action of the Collector calls for interference of this Court. The petitioners have also claimed their right to be considered for being appointed as Agriculture Advisors considering the fact that as on 02.09.2010, out of 251 vacancies, 56 posts still remain vacant in different categories in different *Panchayats* of the District.

5. A counter affidavit has been filed on behalf of respondents no. 4 and 5 admitting the fact that due to oversight, without following the Reservation Roster Rules as contained in paragraph no. 13 of the letter of appointment published on 27.08.2010, the final merit list was published, which was



required to be cancelled vide Memo No. No. 837 dated 02.09.2010. There is no reference, as to whether, the petitioners were given any opportunity or hearing and they were denied to work on 03.09.2010.

6. I find that the appointment of the petitioners in light of the decision taken by the Agricultural Production Commissioner, Bihar contained in Letter No. PPM-95/2003-2029 (Ag.) dated 12.04.2010 cannot be violated by the District Agriculture Officer inasmuch as ignoring the Rule of Reservation Roster, for which the petitioners cannot be unilaterally removed from the service though being contractual in nature. I find that the order contained in Memo no. 837 dated 02.09.2010 is not sustainable in the eye of law.

7. The petitioners, if so desire, may file their individual detailed representation before the Agriculture Production Commissioner, Government of Bihar, who is directed to call for all the particulars including the merit list and list so prepared after cancellation of Memo No. 825 dated 27.08.2010 from the District Agriculture Officer and after considering the grievance of the petitioners, may arrive at a definite finding and dispose of the individual representations filed on behalf of the petitioners, so that the petitioners may not



suffer their vital right as enshrined under Article 21 of the Constitution of India.

8. With aforesaid observations/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	09.09.2024
Transmission Date	N/A

