

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11489 of 2019

1. Bijendra Singh Son of Late Ram Laxman Singh At present Office of District Rural Development Agency Aurangabad, P.S. Aurangabad Town, District- Aurangabad (Bihar).
2. Devendra Pd. Singh Son of Late Ram Sobhit Singh At present Office of District Rural Development Agency Aurangabad, P.S. Aurangabad Town, District- Aurangabad (Bihar).
3. Krishna Kumar Singh S/o Late Nand Lal Singh Assistant, working in D.R.D.A. Aurangabad.
4. Surendra Nath Mishra S/o Late Rameshwar Mishra Assistant, working in D.R.D.A. Aurangabad.
5. Birendra Kumar S/o Shivadhin Prasad Srivastava Assistant, working in D.R.D.A. Aurangabad.
6. Kameshwar Singh Son of Late Bhola Singh At present Office of District Rural Development Agency Aurangabad, P.S. Aurangabad Town, District- Aurangabad (Bihar)
7. Chandrabali Ram Son of Late Raghu Ram At present Office of District Rural Development Agency Aurangabad, P.S. Aurangabad Town, District- Aurangabad (Bihar)
8. Anil Kumar Son of Late Raj Narayan Singh Peon in Office of District Rural Development Agency Aurangabad P.S. Aurangabad Town, District- Aurangabad (Bihar).
9. Madan Kumar Jha Son of Late Nageshwar Jha Assistant, working in D.R.D.A. Darbhanga.
10. Shailendra Sahay Son of Biltu Sahay Assistant, working in D.R.D.A. Darbhanga.
11. Upendra Sah Son of Late Raghu Sah Assistant, working in D.R.D.A. Darbhanga.
12. Jagdish Rai Son of Bikau Rai Peon, working in D.R.D.A. Darbhanga.
13. Awadhesh Kumar Mandal Son of Hardeo Mandal Peon, working in D.R.D.A. Darbhanga.
14. Yogeshwar Prasad Son of Awadhesh Kr. Singh Assistant, working in D.R.D.A. Chapra, Saran.
15. Paras Paswan Son of Muneshwar Paswan Assistant, working in D.R.D.A. Chapra, Saran.
16. Shivshankar Chaturvedi Son of Late Dharmadeo Choubey Assistant, working in D.R.D.A. Chapra, Saran.
17. Hiralal Rai Son of Parichhan Rai Assistant, working in D.R.D.A. Chapra, Saran.
18. Abhimanyu Bhagat Son of Ram Prasad Bhagat Driver, working in D.R.D.A. Chapra, Saran.
19. Mahesh Prasad Son of Late Satya Narayan Prasad Presently posted as Peon,



District Rural Development Agency, Saran, District- Chapra.

20. Lakhi Kumar Son of Late Jag Jivan Prasad presently posted as Peon, District Rural Development Authority, Saran, District- Saran (Chapra).
21. Md. Jubair Son of Late Gul Md. presently posted as Night Guard, District Rural Development Agency, Saran, District- Saran (Chapra).
22. Md. Firoz Son of Md. Nizam presently posted as Driver, District Rural Development Agency, Saran, District- Saran (Chapra).
23. Guru Prasad Sinha Son of Late Bhola Nath Singh presently posted as Stenographer, District Rural Development Agency, Saran, District- Saran (Chapra).
24. Jitendra Kumar Son of Late Sudina Ram Assistant, who is working in D.R.D.A. Samastipur.
25. Manoj Kumar Singh S/o Late Ram Nr. Singh Driver D.R.D.A Shivhar.
26. Manohar Mishra Son of Late Chaturbhuj Mishra Driver, D.R.D.A Shivhar.
27. Sunil Kumar Sinha Son of Late Braj Kishore Prasad Assistant, D.R.D.A. Bhagalpur.
28. Ajay Kumar Son of Chandreshwar Rai Jeep Driver, working in D.R.D.A. Sitamarhi.
29. Sitaram Jha Son of Late Pheku Jha Night Guard, working in D.R.D.A. Sitamarhi.
30. Akbar Khan Son of Late Md. Akhatar Hussain Khan Presently posted as Driver, District Rural Development Agency, Gaya, District- Gaya.
31. Md. Sahabuddin Ansari S/o Late Lal Mohamad Ansari presently posted Driver, District Rural Development Agency, Nalanda, District- Nalanda.
32. Md. Mukinuddin S/o Taslimuddin Assistant, working in D.R.D.A. Araria.
33. Asit Kundu Son of Late Ajit Kundu Peon, working in D.R.D.A. Araria.
34. Karn Bahadur limbo Son of Late Lal Bahadur Limbo Peon, working in D.R.D.A. Araria.
35. Nand Kishore Jha Son of Late Krishna Kant Jha Peon, working in D.R.D.A. Araria.
36. Kailash Pati Sinha Son of Late Mahendra Pd. Dhudhwani Assistant.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Rural Development, Govt. of Bihar, Patna.
3. The Secretary, Rural Development Department, Govt. of Bihar, Patna.
4. The Assistant Secretary, Rural Development Department, Govt. of Bihar, Patna.
5. The Joint Secretary, Rural Development Department, Govt. of Bihar, Patna.
6. The Deputy Secretary, Rural Development Department, Govt. of Bihar,



Patna.

7. The District Magistrate, Aurangabad (Bihar).
8. The Deputy Development Commissioner-cum- Chief Executive Officer, District Rural Development Agency, Aurangabad, Bihar.
9. The District Magistrate, Darbhanga.
10. D.R.D.A. Darbhanga through the Deputy Development Commissioner, Darbhanga-cum- The Chief Executive Officer, D.R.D.A. Darbhanga.
11. The District Magistrate, Chapra, Saran.
12. D.R.D.A. Chapra, Saran through the Deputy Development Commissioner begusarai-cum- The Chief Executive Officer, D.R.D.A. Chapra, Saran.
13. The District Magistrate, Samastipur.
14. D.R.D.A. Samastipur through the Deputy Development Commissioner Samastipur-cum- The Chief Executive Officer, D.R.D.A. Samastipur.
15. The District Magistrate, Shivhar.
16. D.R.D.A. Shivhar through the Deputy Development Commissioner Shivhar-cum- The Chief Executive Officer, D.R.D.A. Shivhar.
17. The District Magistrate, Bhagalpur.
18. D.R.D.A. Bhagalpur through the Deputy Development Commissioner Bhagalpur-cum- The Chief Executive Officer, D.R.D.A Bhagalpur.
19. The District Magistrate, Purnea.
20. D.R.D.A. Purnea, through the Deputy Development Commissioner, Purnea-cum- The Chief Executive Officer, D.R.D.A., Purnea.
21. The District Magistrate, Nalanda.
22. D.R.D.A., Nalanda, through the Deputy Development Commissioner, Nalanda-cum- The Chief Executive Officer, D.R.D.A., Nalanda.
23. The District Magistrate, Araria.
24. D.R.D.A. Araria through the Deputy Development Commissioner Araria-cum- The Chief Executive Officer, D.R.D.A. Araria.
25. The District Magistrate, Sitamarhi.
26. D.R.D.A., Sitamarhi, through the Deputy Development Commissioner Sitamarhi-cum- The Chief Executive Officer, D.R.D.A., Sitamarhi.
27. The District Magistrate, Gaya.
28. D.R.D.A. Gaya through the Deputy Development Commissioner Gaya-cum- The Chief Executive Officer, D.R.D.A, Gaya.
29. The Union of India, through the Secretary, Ministry of Rural Development Dept. Govt. of India, New Delhi.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 12136 of 2019



1. Nand Kishore Singh S/o Late Arjun Singh Stenographer, District Rural Development Authority, Lakhisarai
2. Rajani Kant Kushwaha S/o Late Ram Singhasan Prasad Incharge, Head Clerk, District Rural Development Authority, Bhojpur, Arrah
3. Satish Kumar S/o Late Jagdish Mahton Peon, District Rural Development Authority, Sheikhpura
4. Kanahaiya Choudhary S/o Late Ram nath Choudhary Peon, District Rural Development Authority, Bhojpur, Arrah
5. Suresh Prasad S/o Late Ram Nath Prasad Peon, District Rural Development Authority, Bhojpur, Arrah

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary Department of Rural Development, Govt. of Bihar, Patna
3. The Secretary Rural Development Department, Govt. of Bihar, Patna
4. The Assistant Secretary Rural Development Department, Govt. of Bihar, Patna
5. The Joint Secretary Rural Development Department, Govt. of Bihar, Patna
6. The Deputy Secretary Rural Development Department, Govt. of Bihar, Patna
7. The District Magistrate Lakhisarai
8. The Deputy Development Commissioner-cum-The Chief Executive Officer D.R.D.A., Lakhisarai
9. The District Magistrate Bhojpur, Arrah
10. The Deputy Development Commissioner-cum-The Chief Executive Officer D.R.D.A., Bhojpur, Arrah
11. The District Magistrate Sheikhpura
12. The Deputy Development Commissioner-cum-The Chief Executive Officer D.R.D.A., Sheikhpura
13. The Union of India through the Secretary, Ministry of Rural Development Dept. Govt. of India, New Delhi

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 11489 of 2019)

For the Petitioner/s : Mr. Amarendra Kumar Singh, Adv.

For the Respondent/s : None

(In Civil Writ Jurisdiction Case No. 12136 of 2019)

For the Petitioner/s : Mr. Amarendra Kumar Singh, Adv.

For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN



ORAL ORDER

3 07-10-2024 Heard Learned Counsel for the petitioners. No one appears on behalf of the State

2. The present writ petitions have been filed for the following relief/s:-

(i) To issue an appropriate writ preferably in the nature of 'Certiorari' for setting aside the resolution bearing Memo No.796 dated 02.02.2018 issued under the signature of the Secretary (Expenditure), Department of Finance, Government of Bihar, Patna, whereby and where under the service rendered by petitioners in the DRDA prior to the absorption has been decided to be not counted and the employees like the petitioners are directed to be covered under the New Pension Scheme, 2005.

(ii) issue an appropriate writ preferably in the nature of 'Certiorari' for setting aside the resolution bearing Memo No.415177 dated 05.03.2019 issued under the signature of the Secretary Rural Development Department, Government of Bihar whereby and



where under the petitioners have been absorbed in the service of the Government w.e.f. the date on which they had preferred writ petitions before this Hon'ble Court absorption of their services.

(iii) To issue an appropriate writ preferably in the nature of 'Mandamus' commanding upon the respondent authorities to absorb services of the petitioners from the date they were initially appointed in the District Rural Development Agency.

(iv) To issue an appropriate writ preferably in the nature of 'Mandamus' commanding upon the respondent authorities to pay to the petitioners entire benefits of Service like a regular government employee with all consequential benefits w.e.f. their initial appointment under the DRDA.

(v) To grant any other relief(s) to the petitioners for which they may be found entitled to in the peculiar facts and circumstances of the case.

3. Learned Counsel for the petitioners submits that the



issues involved in the present Writ Petition of the petitioners are squarely covered under the order dated 30.07.2024 passed in L.P.A No. 737 of 2019 (Sahdev Prasad Yadav Vs. State of Bihar & Ors.) by the Hon'ble Division Bench of this Court.

4. No one is here to defend these cases on behalf of the State.

5. It transpires to this Court that under Clause 4(C) of the Bihar State Litigation Policy, 2011 such type of situation has been dealt and series of decision has come by this Hon'ble Court in which the policy has been made that if the cases of the petitioners have covered from the judgment passed by this Hon'ble Court or Hon'ble Apex Court then the authority concerned shall decide the matter in accordance with Clause 4(C) of the Bihar State Litigation Policy, Clause 4(C) of the said policy states as follows:-

"4(C)(1) A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/ applicant-employee/ citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the



Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants."

6. Without entering into the merit and demerit of the case, both the present Writ Petitions disposed off directing respondent No. 2, namely, The Principal Secretary, Department of Rural Development, Govt. of Bihar, Patna to decide the cases of the petitioners in terms of the Judgment dated 30.07.2024 passed in L.P.A. No. 737 of 2019 (Sahdev Prasad Yadav Vs. State of Bihar & Ors.) by Division Bench of this Court within 90 days from the date of production/receipt of a copy of this order.

(Dr. Anshuman, J.)

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