

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17762 of 2012

Mukesh Bharti S/O - Banke Bihari Paswan Resident Of Village - Baghi, P.O. -
Suhrid Nagar, P.S. - Nagar Thana, District - Begusari-851218, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Bihar Rural Livelihood Promotion Society Vidyut Bhawan, Annexe-Ii Ist Floor, Bailey Road, Patna
3. Ceo, Bihar Rural Livelihood Promotion Society, Vidyut Bhawan, Annexe-Ii, Ist Floor, Bailey Road, Pa
4. Osd, Bihar Rural Livelihood Promotion Society, Vidyut Bhawan, Annexe-Ii Ist Floor, Bailey Road, Pat
5. Dpm, Bihar Rural Livelihood Promotion Society, District Project Co-Ordination Unit, Gokul Krishna R
6. Bpm, Bihar Rural Livelihood Promotion Society, District Project Co-Ordination Unit, Gokul Krishna R
7. S.P.M. H.R.D., Bihar Rural Livelihood Promotion Society, Vidyut Bhawan, Annex-Ii Ist Floor, Bailey Road, Patna

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17837 of 2012

Manish Kumar Sinha S/O Laxmi Narayan Prasad R/O Vill-Sanhauli,
Gulabnagar, P.S.-Chitra Gupta Nagar, Distt-Khagaria, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Govt. Of Bihar, Patna
2. Bihar Rural Livelihood Promotion Society Vidyut Bhawan Annexe-Ii, Ist Floor, Bailey Road, Patna
3. Ceo , Bihar Rural Livelihood Promotion Society, Vidyut Bhawan Annexe-Ii, Ist Floor, Bailey Road, Patna
4. Osd , Bihar Rural Livelihood Promotion Society , Vidyut Bhawan Annexe-Ii, Ist Floor, Bailey Road, Patna
5. Dpm, Bihar Rural Livelihood Promotion Society , District Project Co-Ordination Unit Gokul Krishna Road, Congress Office Chowk, Subhash Nagar, PurneaBihar
6. Bpm, Bihar Rural Livelihood Promotion Society Block Project Implementation Unit Birauli Bazar, Rupauli, PurneaBihar
7. S.P.M., Hrd, Bihar Rural Livelihood Promotion Society , Vidyut Bhawan Annexe-Ii, Ist Floor, Bailey Road, Patna

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17921 of 2012



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Ajir Bihari Jha S/O Bidurjee Jha R/O Village- Sabour Near Durga Asthan
Brahman Tola, P.O.P.S.- Sabour, District- Bhagalpur, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Department Of Finance, Govt. Of Bihar, Patna
2. Bihar Rural livelihood Promotion Society Vidyut Bhawan, Annexe-Ii, 1st Floor, Bailey Road, Patna
3. Ceo, Bihar Rural Livelihood Promotion Society Vidyut Bhawan, Annexe-Ii, 1st Floor, Bailey Road, Patna
4. Osd, Bihar Rural Livelihood Promotion Society Vidyut Bhawan, Annexe-Ii, 1st Floor, Bailey Road, Patna
5. Dpm, Bihar Rural Livelihood Promotion Society District Project Co-Ordination Unit, Gokul Krishna Road, Congress Office Chowk, Subhash Nagar, Purnea Bihar
6. Bpm, Bihar Rural Livelihood Promotion Society District Project Co-Ordination Unit, Gokul Krishna Road, Congress Office Chowk, Subhash Nagar, Purnea Bihar
7. S.P.M. H.R.D., Bihar Rural Livelihood Promotion Society Vidyut Bhawan, Annexe-Ii, 1st Floor, Bailey Road, Patna

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 17762 of 2012)

For the Petitioner/s : Mr. Shambhu Kumar, Adv.

For the Respondent/s : Mr. Neeraj Nandan, Adv.

(In Civil Writ Jurisdiction Case No. 17837 of 2012)

For the Petitioner/s : Mr. Shambhu Kumar, Adv.

For the Respondent/s : Mrs. Archana Meenakshee, GP-06

Mr. Prabhat Ranjan, AC to GP-06

Mr. Harish Singh, AC to GP-06

Mr. Rana Veer Prawar, AC to GP-06

Mr. Rohit Singh, AC to GP-06

(In Civil Writ Jurisdiction Case No. 17921 of 2012)

For the Petitioner/s : Mr. Shambhu Kumar, Adv.

For the State : Mr. Prem Ranjan Raj, AC to SC- 7

For the Respondent No. 2 to 7 : Mr. Abhinav Srivastava, Sr. Adv.

Mr. Pushkar Bharadwaj, Adv.

Ms. Shreyashi Raj, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

10 17-03-2025

Learned Counsel for the petitioners, Learned

Counsel for the State and Learned Counsel for Respondent Nos.

2 to 7 (Bihar Rural Livelihood Promotion Society) are present



in all cases.

2. Learned Counsel for the petitioners submits that he has challenged the order dated 31.07.2012 (Annexure- 6) passed by the CEO- cum- State Project Manager-HRD, by which the petitioners have been terminated from service. Counsel further submits that the District Enquiry Committee found financial irregularities against the petitioners, who were working in the Rupauli block. Counsel further submits that the order was not passed in accordance with the law and the petitioners' case has not been considered at all which is apparent from the termination order.

3. Learned Counsel for the Respondent-society submits that there is a preliminary objection in entertaining the present writ petition due to the reason that the Bihar Rural Livelihood Promotion Society (hereinafter referred to as BRLPS) is not a "State" under Article 12 of the Constitution of India. In support of his argument, Counsel cites the Judgment dated 10.01.2018 passed in CWJC No. 7918 of 2013, wherein it was decided against an individual, Anil Rajak. In that case, Counsel for the Society argued that the Society does not fall within the definition of "State" under Article 12 of the Constitution of India. Counsel further submits that the



petitioners were given sufficient opportunities and that the principles of natural justice were fully complied with. Counsel further submits that it was a contractual appointment and the same was terminated because of unsatisfactory performance of the petitioners, as the petitioners have alleged to have committed financial irregularities with the Society. Therefore, the petitioners have no right to continue on the said post and they were rightly terminated after granting them an opportunity to be heard. Counsel concludes that the writ petition is without merit and should be dismissed.

4. Upon hearing the parties and going through the documents, particularly Annexure- 1, which includes the Memorandum of Association of BRLPS and the Human Resources Development Manual, prepared by the BRLPS, it transpires to this Court that Rule 5.1 of the said norms mentions the list of members, including the founder members of the State Society, totaling 17 members, the majority of whom are Government Officials by post. Clause 7 lists the members of the Executive Committee, consisting of 10 members, where again, the majority are Government Officials. Clause 19, which talks about funds, it transpires to this Court that the sources of funds of the State Society shall consist of the recurring and non-



recurring grants made by the Government of Bihar and/or the Government of India for the furtherance of the objectives of the State Society. Clause 29 further states that ultimate power is vested under the State Government which clearly states that the Government of Bihar shall have the power to issue any direction as it deems fit to add, alter or delete any item of Article of Association. Further, to terminate and/or make an appointment in place of any member of the Society mentioned under item 12 of the memorandum of Association or any member of the Executive Committee mentioned under 7(i) of the Article of Association, meaning thereby the State has full control on the Society, both administratively and financially, as well as in terms of changes to the Constitution of the Executive Committee and the Articles of Association. Therefore, all the character which has been discussed in Article 12 of the Constitution of India is available here in the memorandum of Association with the State Government. Hence, this Court is of the firm view that the State Society is basically a “State” under Article 12 of the Constitution of India.

5. The second issue concerns whether the petitioners are protected under Article 311(2) of the Constitution of India or not based on the Rules framed under the Human Resource



Development Manual (hereinafter referred to as H.R. Rule). It transpires to this Court that the petitioners, along with other working in the Society have not been granted such footings rather a general H.R. rule has been framed. The Rule 11 of the said H.R. Rule indicates that there are disciplinary control system according to which the power of dismissal and disciplinary control of employees of BRLPS are vested with the Executive Committee and the said BRLPS may delegate disciplinary powers to the CEO and Addl. CEO.

6. In the present case the order under challenge has been passed by the CEO, and the only superior authority to the CEO is the Executive Committee.

7. In this background, this Court without entering into the merits or demerits of the case, disposes off the present writ petition, directing the petitioners to avail the remedy before the Executive Committee, explaining all their grievances and the Executive Committee shall dispose off the petitioners' representation within 90 days thereafter.

(Dr. Anshuman, J.)

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