

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2262 of 2017

1. Kumar Ajit Sinha S/o Late Gopal Jee, resident of 7 H.F. 5/26, Bahadurpur Housing Colony, Kankarbag, Patna- 26.
2. Shailendra Kumar Shrivastava, S/o Sri Sumant Lal, resident of Mohalla-Sohanipatti, Ward No. 31, P.S. and District- Buxar presently C/o Ashutosh Kumar Shrivastava, Sri Raghunath Prasad Girls School, Lohiya Nagar, Kankarbagh, P.S.- Kankarbagh, Patna.
3. Anand Kumar Singh, S/o Sri Lallan Singh, resident of Mohalla- Lalganj, P.S. Karvi Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Planning and Development Department, Government of Bihar, Patna.
3. Special Secretary, Planning and Development Department, Government of Bihar, Patna.
4. Joint Director, Planning and Development Department, Bihar, Patna.
5. Director of Economics and Statistics, Planning and Development Department, Bihar, Patna.
6. District Statistical Officer, Saran at Chapra.
7. Bihar State Staff Selection Commission, Patna through its Secretary.
8. Chairman, Bihar State Staff Selection Commission, Patna.
9. Secretary, Bihar State Staff Selection Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Advocate Mr. Alexander Ashok, Advocate
For the State	:	Mr. Sudhanshu Bhushan (AC to GP-7)
For the BSSC	:	Mr. P.K. Shahi, Sr. Advocate Mr. Madanjeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

9 07-02-2025 Heard Learned Senior Counsel for the petitioners,
Learned Counsel for the State and Learned Senior Counsel for
Bihar Staff Selection Commission.

2. The present writ petition has been filed for



commanding the respondents for regular appointment of the petitioners on the post of Junior Statistical Assistant Officer and till the final appointment, the petitioners be allowed to continue on the post on which they are working and further to give preference to the petitioners in regular appointment relaxing the age bar.

3. Learned Senior Counsel for the petitioners submits that petitioners are graduates passing Bachelor of Arts examination with honours in the subject of Economics, petitioner no.2 has also obtained Masters Degree in the subject of Economics. They have appeared in the appointment process against the Advertisement no.1/09. Senior Counsel submits that petitioners were selected and appointed as Junior Statistical Assistant and posted at different junction like petitioner no.1 & 2 in the Director of Economics and Statistics Planning and Development, Bihar and petitioner no.3 in the district of Saran at Chapra wherefrom subsequently, they were transferred to other places also. The appointment was on contractual basis for 11 months i.e. from 31.08.2010 to 01.01.2011. Senior Counsel further submits that petitioner nos.1 & 2 continued upto September 2013, whereas, petitioner no.3 continued upto 31.05.2013 as their services were extended from time to time



but thereafter, no extension was given to them. Senior Counsel submits that work of the petitioners was found satisfactory and no complain was ever made against the petitioners and discharging their duty to the satisfaction of their higher officials. Senior Counsel further submits that State officials have taken a decision through Government resolution issued by the Personal and Administration Department to extend the services on the basis of evaluation report. In this regard, evaluation report has also been demanded and subsequently, *vide* Memo No.8025 dated 21.05.2013, modality has been formulated for appointment on contractual basis. The petitioners were appointed on contractual basis against sanctioned vacant post.

4. Learned Senior Counsel for the petitioners further submits that time to time, different persons have moved before this Hon'ble Court in various writ petitions including petitioner no.3 namely, Anand Kumar Singh who also moved before this Hon'ble Court in Civil Writ Jurisdiction Case No.18449 of 2013 in which it has been observed that:-

“In near future, any advertisement is notified and the petitioners applied for the said post, the Government will consider their cases in accordance with law giving the weightage to the work performed by them. As some



persons have become over age, the Government will also consider their cases with respect to granting relaxation in age. If the Government by its own policy intends to regularize the service of its employees the Government would consider the cases of the petitioners also.”

Counsel for the petitioners submits that a committee was constituted and petitioners have filed representation in their representative capacity for extension of regular appointment of the contractual workers but, the concerned respondent till date, has not taken any action.

5. Learned Counsel for the State submits that petitioners were the contractual employees and any demand for regularization is not according to law. Counsel further submits that different departments of the Government of Bihar are making contractual appointments and whenever the regular appointment shall be made, the compliance of order passed in C.W.J.C. No. 18449 of 2013 shall be made.

6. In the light of the submissions made by the parties, particularly the specific pleading made by the Counsel for the petitioners in paragraph no.25 that petitioners filed



representation which is pending before the Director of Economics and Statistics, Planning and Development Department, Bihar, Patna (respondent no.5), this Court hereby directs the Director of Economics and Statistics, Planning and Development Department, Bihar, Patna (respondent no.5) to pass a reasoned and speaking order with regard to the petitioners except petitioner no.3 namely, Anand Kumar Singh for whom there is already finding comes in C.W.J.C. No. 18449 of 2013, within 90 days from the date of production of this order.

7. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

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