IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20331 of 2016

CNR No. BRHC010185482016

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Chandra Mohan Kumar Son of Arun Kumar Choudhary, resident of village - Basra, P.S. Pipra, District - Supaul

... ... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna
3. The Principal Secretary, Department of Planning and Development, Government of Bihar, Patna
4. The Secretary, Cabinet Secretariat, Government of Bihar, Patna
5. The Director, Directorate of Economics and Statistics, Department of Planning and Development, Patn
6. The District Magistrate, Supaul
7. The District Statistical officer, Supaul

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the State : Mr. Amrendra Nath Verma, G.A.-2
For the Respondent/s : Mr. Vinay Kriti Singh-G.A.-2

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

2 20-11-2026 Heard learned counsel for the parties concerned.

2. The present writ application has been filed for the following relief(s):

> *"...That the petitioner above-named craves for indulgence of this Hon'ble Court by way of issuance of any order/orders, directon/directions or writ/writs, preferably in the nature of Mandamus commanding and directing the Respondents concerned to take*

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back the decision of termination of their service and to allow the petitioner to function as Accredited Statistical Volunteers ('ASV' only hereinafter) under the contractual service of the Department of Planning and Development, Government of Bihar and not to disturb/disengage the petitioner from discharging his duty as per assigned by the different Departments of the Government of Bihar with regard to surveys and statistical data collection; as also for a direction upon the Government of Bihar to regularize the services of the petitioner considering the permanent need of nature of work done by the petitioner. And/or any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of this case."

3. Learned counsel appearing on behalf of the petitioner states that the petitioner was appointed as Accredited Statistical Volunteer (ASV) under the scheme for carrying out survey and data collection work of different Departments and schemes, including Census, Economic Survey, agricultural produce and procurement, etc. The State Government has taken

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a decision to disengage the ASVs by cancelling the panel due to a change in the policy of the Department of Co-operative.

4. Since the previous scheme has been discontinued and the policy has been changed and there is no legal or statutory right of the petitioner has been violated or invaded. Further, the protection under Article 311 of the Constitution of India is not available to the petitioner because he was not appointed to a civil post under the State.

5. As per the law laid down by the Hon'ble Supreme Court in ***Gurbachan Lal Vs. Regional Engineering College, Kurukshetra & Ors.*****, reported in (2007) 11 SCC 102**, wherein the Hon'ble Supreme Court has held in paragraph 45, which is being reproduced hereinbelow:

> *"45. In the present case the appellant continued to work for ten years or more but such continuous temporary employment of the appellant cannot vest any legal right in him to continue when the scheme on the basis of which he was appointed and was working itself came to an end. It is also incorrect to say that the court would direct continuity of the scheme for the purpose of keeping the appellant in service and in any view of the matter*

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he could not be treated as a permanent employee of the Institution as he was appointed under a scheme and not in the mainstream of the Institution."

6. Therefore, the writ application is not maintainable under Article 226 of the Constitution of India.

7. In view of the aforesaid facts and circumstances, this writ application is dismissed

(Girijish Kumar, J)

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