

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1930 of 2017

1. Akhilesh Kumar Thakur Son of Sri Nilamber Thakur, resident of village - Sara, Post office - Garhbanaili, P.S. Kasba, District - Purnea
2. Om Prakash Singh, Son of Sri Sampat Kumar Singh, Resident of village - Dhamar, P.S. Mufassil, District - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Planning and Development, Government of Bihar, Patna
3. The Senior Joint Director - Cum - Office Head, Planning and Development Department and Economics and Statistical Directorate, Bihar, Patna.
4. The District Magistrate, Purnea
5. The District Statistical Officer, Purnea
6. The District Magistrate, Bhojpur at Arra
7. The District Statistical Officer, Bhojpur at Arra

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjay Kumar Singh, Advocate Mr. Fardeen Abbas, Advocate
For the Respondent/s	:	Mr. Sumant Kumar Singh, AC to GA- 2

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 20-01-2026

Heard learned counsel for the petitioners and
learned counsel for the respondents.

2. The petitioners have filed the instant application
for the following relief:

*“1. That this is an
application for direction to the
Respondents to produce the order by
which panel of Accredited Statistical*



Voluntaries (herein after referred to as A.S.V.) has been cancelled and decision to this effect has been published in daily news paper of the State of Bihar in June '2016 and quash the same and direct the respondents to regularize the services of A.S.V. as has been promised by the Government which has been published and the said promise has been published in the daily news-paper of the State of Bihar as well as through various communication of the Principal Secretary of Planning & Development Department and petitioners should be given similar treatment as that of other contract or engaged employees of the respondents.

And/or pass such other order/orders which may appear fit and proper.”

3. At the outset, it is submitted by learned counsel for the respondents that the issue raised in the instant writ application came up for consideration in C.W.J.C. no. 11550 of 2016 (Shambhu Kumar and Ors. vs. The State of Bihar and Ors.). A batch of writ applications came to be decided by judgment dated 24.1.2017 by the learned Single Judge in the



following terms:

“In my opinion, the two resolutions have been passed by the Cabinet at different stages. May be at the stage when the first resolution was passed on 19.2.2015, the Cabinet was of a different opinion but the developments that has taken place in between the first resolution passed on 19.2.2015 and the second resolution passed on 7.6.2016, becomes a relevant factor for a judicial review of the action taken. The explanation present in the second supplementary counter affidavit as regarding the work discharged by these petitioners coupled with the stand on the availability of work and availability of funds, would not persuade this Court to issue any direction to the State to continue with the panel. Even if there have been stray instances of work being taken from these ‘ASVs’, the choice lies with the State for such engagement. If the State has decided to now get the work done departmentally and there is nothing on record which would show that the State has deviated from such stand,



there is no reason for the petitioners to raise any grievance nor any occasion arises to interfere with the decision. In fact in the words of the Supreme Court as found in the judgment of the Indian Drugs and Pharmaceuticals Ltd. (supra) and Nihal Singh (supra), any direction by this Court in the circumstances discussed, either for continuation of the panel or for considering the cases of these petitioners for regularisation, in absence of facts supporting continuity of discharge, would amount to a direction for creation of post as well as financial liability which is neither in the domain nor within the framework of judicial review.

The issues so taken note of are answered accordingly.

For the reasons so discussed, I am not persuaded to either interfere with the Cabinet resolution or with the order of the Planning department issued thereunder, a copy of which has been placed on record vide Annexure 'C' to the counter affidavit filed in CWJC No.11550 of 2016 but with a rider that in case the State would be in need of



the services of the Accredited Statistical Volunteers then the claim of these petitioners may be considered for such engagement considering the experience gained and the training undergone by these petitioners over the period of time and even if the State would decide to look for fresh aspirants, due weightage be given to the case of these petitioners including age relaxation.

The writ petitions are accordingly disposed of.”

4. It is further submitted that the writ petitioners preferred L.P.A. no. 535 of 2017 which was dismissed by judgment dated 17.4.2018.

5. In view of the above, the writ application stands disposed off in terms of the judgment dated 24.1.2017 passed in C.W.J.C. no. 11550 of 2016.

(Partha Sarthy, J)

saurovkrishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.1.2026
Transmission Date	NA

