IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3267 of 2021

CNR No. BRHC010731882020

==========

Niraj Kumar Son of Bijendra Kewat Resident of Village- Rampur, Police Station- Gaurichak in the district of Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum-Chairman, BISCORE, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Chairman, BISCORE, Government of Bihar, Patna.
3. The Mission Director-cum-Principal Secretary, Home, Bihar Administrative Reforms Mission Society, Patna.
4. The Inspector General Registration, Government of Bihar, Patna.
5. The Divisional Commissioner, Magadh Division, Gaya.
6. The District Magistrate-cum-Collector, Jehanabad.
7. The Deputy Collector (Establishment), Jehanabad.
8. The District Sub-Registrar-cum-Secretary, Jehanabad SCORE, Jehanabad.

... ... Respondent/s

==========

Appearance :
For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the State : Mr. Sourav Suman, SC-12
: Ms. Pragati Patra, AC to SC-12

==========

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 29-10-2026

Heard learned Advocates for the respective parties.

2. The petitioner, who was duly appointed as an Executive Assistant by the Bihar Administrative Reforms Mission Society on the basis of the panel published on 16.05.2016, and was seemingly posted in the office of the District Sub-Registrar, Jehanabad, has approached this Court being aggrieved by letter No. 644 dated 11.09.2019, issued

WEB COPY

under the signature of respondent No. 8, namely, the District Sub-Registrar-cum-Secretary, SCORE, Jehanabad, whereby his services were discontinued in the office of the District Sub-Registrar and returned to the District Establishment, Jehanabad.

3. Adverting to the facts pleaded in the writ petition and the annexures appended thereto, learned Advocate for the petitioner submitted that it is not in dispute that, upon being found eligible, the name of the petitioner was duly forwarded to the office of the District Sub-Registrar, Jehanabad, whereupon he was directed to arrange for a computer, printer, and internet connection and to discharge his duties as an Executive Assistant-cum-Computer Operator.

4. Although the initial engagement of the petitioner was for a period of one year, the tenure of contractual employees was subsequently extended until they attained the age of 60 years or the completion of the project, whichever occurred earlier, in terms of the decision of the Bihar Administrative Reforms Mission Society *vide* letter No. 436 dated 26.02.2019.

5. While the petitioner was discharging his duties with sincerity, diligence, and punctuality, a decision was taken at the meeting of the Executive Committee of Jehanabad System for

WEB COPY

Computerised Registration (for short ‘SCORE’) held on 11.09.2019, to discontinue the services of Executive Assistants-cum-Computer Operators, who were working beyond the sanctioned strength, which is impugned herein.

6. A counter-affidavit has been filed on behalf of respondent No. 8, wherein it has been specifically contended that, pursuant to a unanimous decision taken by the members of the SCORE Committee at its meeting held on 11.09.2019, it was resolved not to take work from the petitioner in accordance with the principle of "last come, first go". The Committee determined that the office of the District Sub-Registrar, Jehanabad, required only eight Computer Operators/Executive Assistants for the Computerised Registration System, against which eight sanctioned posts were available. Since the petitioner had been engaged on a contractual basis over and above the sanctioned strength, it was decided to discontinue his engagement.

7. The aforesaid stand has been controverted by learned Advocate for the petitioner, who submitted that the name of the petitioner had been forwarded to the office of the District Sub-Registrar along with the names of only five other Executive Assistants. It is further contended that, even after the petitioner's services were discontinued, the District Sub-

WEB COPY

Registrar, Jehanabad, *vide* letter No. 661 dated 19.11.2021, requested the Inspector General Registration to provide the services of two Computer Operators. According to learned Advocate for the petitioner, the justification advanced for discontinuing his services is, therefore, unsustainable both on facts and in law.

8. Referring to the decisions taken by various Collectorates, copies whereof have been brought on record as Annexure-13 series to the writ petition, learned Advocate for the petitioner submitted that Computer Operators who had been removed from service on identical grounds were subsequently permitted to rejoin and are presently discharging their duties. It has further been brought to the notice of this Court that an identical issue came up for consideration before this Court in **CWJC No. 6646 of 2022**, wherein a direction was issued to consider the claim of the petitioner therein, subject to the availability of a vacancy for his adjustment.

9. Upon careful consideration of the materials available on record, it emerges that the petitioner was initially engaged for a period of one year, subject to renewal upon satisfactory performance. However, the reason assigned for discontinuing his services was that his engagement was beyond

WEB COPY

the sanctioned strength. It is pertinent to observe that no fault has been attributed to the petitioner in the discharge of his duties. His name was duly recommended for engagement in the office of the District Sub-Registrar, Jehanabad, where he continued to discharge his assigned responsibilities until his services were discontinued. The orders passed by various Collectorates, brought on record as Annexure-13 series, demonstrate that persons similarly situated to the petitioner have subsequently been reinstated or adjusted against the posts of Computer Operators in offices where their services were required. This Court has also been apprised that, in the minutes of the BISCORE meetings held on 13.08.2019 and 24.01.2020, it was resolved that even those Computer Operators/Executive Assistants whose services had been discontinued could be engaged again upon receipt of a written request, subject to the relevant requirements.

10. Having regard to the aforesaid facts and circumstances, and particularly the instances of similarly situated persons having been accommodated in other districts, this Court deems it fit and proper to dispose of the present writ petition with liberty to the petitioner to approach the District Magistrate, Jehanabad, along with a copy of this order within a

WEB COPY

period of 4 weeks from today. In the event that the petitioner approaches the District Magistrate, Jehanabad, bringing the aforesaid facts and circumstances to his notice, the District Magistrate shall duly consider his claim and dispose of the same within a further period of 10 weeks. If it is found that the services of the petitioner are required in any office under the district administration and an appropriate vacancy is available, his claim for adjustment shall be considered in accordance with the applicable rules and the practice followed in the cases of similarly situated Executive Assistants/Computer Operators, as reflected in Annexure-13 series to the writ petition.

11. With the aforesaid observations and liberty, the present writ petition stands disposed of.

(Harish Kumar, J)

Utkarsh.k/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2026
Transmission Date	NA

WEB COPY