
(2004) 04 PAT CK 0104
In the Patna High Court
Case No : C.W.J.C. No. 12201 of 2003

Kamal Ram and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 23-04-2004

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2004) 3 PLJR 208

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Surendra Kumar and Amrendra Kumar Shrivastava, for the Appellant; JC to SC3 for State, for the Respondent

Judgement

Narayan Roy, J.—Heard learned Counsel for the Petitioners and J.C. to Standing Counsel No. III for the State and considered the counter affidavit filed on behalf of the State.

2. This writ application is directed against the order as contained in Annexure-5 issued vide Memo No. 757 dated 12.10.2001 whereby and whereunder the Petitioners have been terminated from services.

3. It is submitted by learned Counsel for the Petitioners that the Petitioners were selected and empanelled as Class IV employees in the district of Sitamarhi pursuant to their selection made by the District Establishment Committee headed by the District Magistrate as its Chairman. The Petitioners thereafter were posted under the District Adult Education Officer, Sitamarhi on class IV posts sometime in the year, 1986 and almost after 17 years of their services, they have been terminated.

4. The plausible explanation, as disclosed in the counter affidavit for termination of the Petitioners, appears to be on account of closure of the scheme under which they were employed.

5. It appears that the Petitioners were appointed on substantive basis by duly

constituted Establishment Committee and therefore, they should not have been terminated after 17 years of their services and in case the scheme under which they were appointed, has been closed, in my opinion, they should be adjusted/absorbed in some other Departments of the Government.

6. J.C. to Standing Counsel No. III. on instruction, now submits that pursuant to several directions of this Court, the employees of the closed scheme are being adjusted/absorbed in some other Departments of the Government and likewise the case of the Petitioners will also be considered in the manner. The appointment of the Petitioners does not appear to be under Adult Education Scheme but they were appointed by the District Establishment Committee on class IV posts.

7. Considering the facts and circumstances of the case, therefore, the State authorities are directed to consider the case of the Petitioners to adjust/absorb them in some other Departments of the Government preferably within a period of three months from the date of receipt/production of a copy of this order.

8. With the aforesaid directions and observations, this application is disposed of.