
(2003) 03 PAT CK 0108
In the Patna High Court
Case No : C.W.J.C. No. 13988 of 2002

Ram Shobha Yadav and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 25-03-2003

Acts Referred:

Citation : (2003) 2 PLJR 720

Hon'ble Judges : Shashank Kr. Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

1. Heard learned Counsel for the Petitioners as well as the State.
2. The contention on behalf of the Petitioner is that they have also been selected for appointment as Dalpati, as would be clear from Annexure-1 and as such they be paid their salary from the day when they were selected and sent for training.
3. By filing a counter-affidavit it has been contended by the learned Counsel for the State that in view of the letter of the Director, Panchayati Raj Bihar dated 15.6.1994, only selection does not in any way construe any right to the writ Petitioners, rather they would be appointed if and when vacancies, occur and can only be paid their salary from the date when they are appointed and joined the aforesaid post.
4. In support of the contention, it has been contended by the learned Counsel for the Petitioners that similarly situated persons, whose names found place in Annexure-1 along with the Petitioners had moved this Court by filing C.W.J.C. No. 8893/88 and analogous cases and a Bench of this Court vide its order dated 30.11.1999 came to the conclusion that the case of those writ Petitioners was similar to that of Gupta Nath Singh and another, Ram Krishna Singh Yadav and 11 others and Keshow Prasad Pandey, being C.W.J.C. Nos. 4025/95, 7935/94 and 4561/95, disposed of on 27.7.1995. In the said case this Court after taking into consideration the policy decision of the State dated 24.6.1989 held that the

trained Dalpaties of general category were not supposed to be sent for training on their selection but should have been given appointment of Panchayat Sewak in the regular scale of Panchayat Sewak with effect from the date the writ Petitioners of those cases i.e., Gupta Nath Singh and others were sent for training. The aforesaid judgment was upheld by the L.P.A. Bench in L.P.A. No. 1520/95:

5. In view of the same, the relief granted to Gupta Nath Singh and another in C.W.J.C. No. 4025/95 has to be granted to the present writ Petitioners also. Let the same be done within a period of three months from the date of receipt/production of a copy of this order.

6. This writ application is allowed to the extent indicated above.