

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2050 of 2021**

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1. Sujit Kumar S/o Rajendra Paswan R/o- 4E (West), Sri Krishna Bihar Colony, Beur, P.S.- Phulwari Sharif, Dist- Patna.
2. Md. Kashif Jawed @ Kashif Jawed S/o Md. Jawed Ahmad R/o Ward No.8, Vill- Chaklau Moghapur, P.O. and P.S.- Mehsi, Dist- East Champaran.
3. Vivek Kumar S/o Dhananjay Kumar R/o Vill- Gonpura, P.O.- Alampur Gonpura, P.S.- Phulwari Sharif, Dist- Patna.
4. Ribhu Raj S/o Nand Kumar Singh R/o- Rathod Sadan, Near Gayatri Mandir, New Area, P.S. and Dist- Sasaram.
5. Md. Mustafa S/o Md. Murtaza R/o Pokharia Nabab Chowk, Ward No. 29, P.S. and Dist- Begusarai.
6. Anil Kumar S/o Yogendra Paswan Krisnayatan, Awadhपुरi, UCO Bank Colony, East Gola Road, Near St. Karen's School, P.S.- Danapur, Dist- Patna.
7. Sagar Kumar Jha S/o Sunil Kumar Jha R/o Vill- Ujain West, Ward No.13, P.O.- Lohana Road, Dist- Darbhanga.
8. Shaharyar S/o Md. Ehteshamul Haque R/o- 403, Thaba Apartment, Quazi Nagar, P.S.- Phulwari Sharif, Dist- Patna.
9. Nishi Kant S/o Ram Pravesh Prasad R/o Sri Krishna Vihar Colony, Near IDEA tower, P.S.- Beur, Anisabad, Dist- Patna.
10. Kamalkant Anand S/o Bindu Prajapati R/o Bageshwari Gomati, Bindu Gali, P.O. and P.S.- Gaya, Dist- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, The Department of Industries, Govt. of Bihar, Patna.
3. The Principle Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Secretary, The Bihar Industrial Development Corporation, Govt. of Bihar, Patna.
5. The Chairman cum Managing Director, Bihar State Industrial Development Corporation, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Arun Kumar No. 1, Advocate
For the State	:	Mr. Subhash Prasad Singh, G.A. Mr. Shiv Kumar, Advocate
For the BSIDC	:	Mr. Kumar Ravish, Advocate

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**



**ORAL JUDGMENT**

**Date : 30-11-2021**

Heard the learned counsels for the parties.

2. In the instant petition, petitioners have prayed for following reliefs:

“(i) For issuance of a writ in the nature of certiorari for quashing, setting aside the illegal, improper, incorrect and unconstitutional order dated 24.07.2020 communicated to the Petitioners on 22.09.2020 vide Letter No. 6 (Sa) Mukadma (BSIDC) 26/2019-2657 issued by Deputy Secretary (Upper Sachiv), Industries Department, Govt. of Bihar Patna, contained in Annx-9, and also order as contained in Annx-4 series be also quashed whereby and where under despite of direction of this Hon’ble High Court, to consider this case of the Petitioners in the light of Memorandum dated 17 Sept. 2018 (Annx-5) issued by Govt. of Bihar to adjust/shift the services to any other Govt. organisation, where contractual employees are required, the claim of the Petitioner has been rejected in a dictatorship manner and further for setting aside the Termination Order dated 16.10.19 bearing Memo No. 540/G/Patna issued by Chairman cum M.D., Bihar State Industrial Department Corporation Limited (An Unit of Govt. of Bihar Undertaking) contained in Annx-4 series.

(ii) For issuance of a Writ in the nature of Mandamus strictly directing the Respondents to reinstate the Petitioners on their previous posts and to adjust/absorb/shift their services to any other Govt. Units or Govt. Undertaking Units with full arrears current and Consequential benefits since the date of their Termination (i.e. 16-10-2019) till the date of his final reinstatement or observation and continue for further periods as there is existent of



work is available.

(iii) That Respondents be directed to pay the arrears of Rs. 10,000/- per month as per Advt. from the date of initial appointment till the date of termination.

(iv) That the Respondents be also directed to pay the appropriate cost and compensation for unnecessary mental physical and economical harassments done by the illegal and unconstitutional acts (Termination) of the Respondents.

(v) That any other relief or relieves may kindly be granted in favor of the Petitioners, as it may be deemed fit and proper to the facts and circumstances of this case.”

3. Petitioners were stated to have been appointed on contract basis in the Bihar State Industrial Development Corporation (for short "BSIDC"). Such appointment is with a rider that it would be invoked for a period of one year or it may be extended. Before completion of one year, petitioners services were displaced on 16.10.2019.

4. Feeling aggrieved and dissatisfied with the displacement, the petitioners approached this Court in C.W.J.C. No. 22056 of 2019 and it was disposed of on 13.02.2020 by giving liberty to the petitioners to approach the concerned authority by making representation. The petitioners submitted representation on 20.02.2020 and it was rejected on 24.07.2020. Thus, petitioners have presented this writ petition.

5. Learned counsel for the petitioners vehemently



contended that in terms of the policy decision of the State dated 17.09.2018, the petitioners are entitled to be accommodated in any other corporation. It is further pointed out that on 05.02.2021, the State Government has clarified that policy dated 17.09.2018 is included with the BSIDC. Therefore, the petitioners are entitled to be accommodated in any other corporation in terms of the policy decision dated 17.09.2018 read with 05.02.2021.

6. Per contra, learned counsel for the respondent-Corporation resisted the petitioners' contention and submitted that the petitioners have failed to produce complete policy decision dated 17.09.2018. It is submitted that policy dated 17.09.2018 is applicable under Item No. 19 only to three corporations. Therefore, as on the date of displacement of petitioners on 16.10.2019, the policy dated 17.09.2018 was not applicable to such of those employees who were appointed on contract basis in BSIDC are not entitled to be accommodated in any other corporation. It is further submitted that, vide Sankalp of Administration Department dated 05.02.2021, inclusion of BSIDC is only prospective. Therefore, the grievance of the petitioners rightly rejected by the respondent on 24.07.2020.

7. Heard the learned counsels for the respective



parties. Crux of the matter in the present petition is whether petitioners' case would be covered under the policy decision dated 17.09.18 or not? Undisputed facts are that the petitioners were appointed on contract basis on 12.06.2019 in BSIDC for a period of one year or it may be extended. Their services have been displaced on 16.10.2019, in the interest of administration and it was the subject-matter of litigation before this Court in C.W.J.C. No. 22056 decided on 13.02.2020. On receipt of representation of the petitioners, the official respondent has rejected the petitioners' grievance on 24.07.2020. Hence the present petition. Policy dated 17.09.2018 in respect of accommodating the corporation employees has been made crystal clear in the policy decision itself. The policy covers only three corporations. Extract of the relevant portion of the aforesaid policy reads as under:-

**“19. 46.2.6 उद्योग विभाग**

**(i) बिहार फ़ाउंडेशन**

बिहार फ़ाउंडेशन में कार्यरत संविदा कर्मियों का उल्लेख ऊपर संगत कंडिकाओं में किया गया है। इनके संबंध में कंडिका – क, ग, घ, च, ज, एवं त में दी गयी अनुशंसाओं, उन अनुशंसाओं को छोड़ कर जो पूर्व से लागू है, को लागू किया जा सकता है।

**(ii) बिहार औद्योगिक क्षेत्र विकास प्राधिकार (बियाडा)**



कार्यरत संविदा कर्मियों के चयन आदि के संबंध में ऊपर संगत कंडिकाओं में उल्लेख किया गया है। इनके संबंध में कंडिका –क, ग, घ, च, ज, एवं त में दी गयी अनुशंसाएं उन अनुशंसाओं को छोड़ कर जो पूर्व से लागू है, लागू की जा सकती है।

**(iii) आधारभूत संरचना विकास प्राधिकार (आईडीओए)**

इस प्राधिकार में कार्यरत संविदा कर्मियों के संबंध में कंडिका –क, ग, घ, च, ज, एवं त में दी गयी अनुशंसाएं उन अनुशंसाओं को छोड़ कर जो पूर्व से लागू है, लागू की जा सकती है।”

8. The aforesaid material information reveals that policy decision dated 17.09.2018 do not cover BSIDC.

9. Learned counsel for the petitioners submitted that in the Sankalp of Administration Department dated 05.02.2021, it is clarified that BSIDC Corporation is included with the policy decision dated 17.09.2018. In other words, it has no retrospective effect. It is only in prospective nature.

10. In the light of these facts and circumstances, the petitioners have not made out a case so as to accommodate them in any other corporation in terms of the State Policy dated 17.09.2018.

11. Accordingly, the instant petition stands



dismissed.

12. At this stage, learned counsel for the petitioners, on instruction, submitted that petitioners were not paid up to date salary.

13. Learned counsel for the Respondent-Corporation disputed the aforesaid fact. In this regard, petitioners are permitted to make necessary application with the material information. Such representation be furnished to the Corporation within a period of four weeks from today. On receipt of petitioners' representation, the Corporation shall decide the same in accordance with law and communicate the decision within a period of three months from the date of receipt of the petitioners' representation.

**(P. B. Bajanthri, J)**

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.12.2021
Transmission Date	

