

## IN THE HIGH COURT OF JHARKHAND AT RANCHI

**W.P.(S) No. 2212 of 2019**

1. Shubhankar Kumar
2. Abhay Kumar Mahato
3. Sonatan Mahato
4. Rati Kanta Singh
5. Rakesh Kumar Jha
6. Shantlal Mandal
7. Shyamal Sarkar
8. Hem Prasad Majhi
9. Girdhari Mahato
10. Sunil Kumar
11. Kishori Kant Mishra
12. Rupalal Kumar Bhokta
13. Basant Thakur
14. Ranjeet Ganjhu
15. Yogendra Kumar
16. Rajesh Kumar
17. Sulen Bhuyan @ Sulen Bhuianya
18. Ruplal Marandi
19. Abhay Kr. Singh
20. Ratnesh Kr. Mishra
21. Rantha Gope
22. Yugal Kishor Bharti
23. Niro Mahto
24. Panchana Mahto @ Panchanand Mahto
25. Nepal Thakur
26. Jairam Singh
27. Kinu Singh
28. Shusil Kumar Ravani

... **Petitioners****Versus**

1. Union of India through the Secretary, Department of Agriculture, Research and Education Minister of Agriculture, Government of India, New
2. The Director General, ICAR (Indian Council of Agriculture Research), having Head Office New Delhi, Agricultural Extension Division, Krishi Anusandhan Bhawan, Pusa, New Delhi
3. The State of Jharkhand through Chief Secretary, Jharkhand Ranchi
4. The Director of Extension, Education Birsa Agricultural University, Dhurwa,

Ranchi

5. Director, Administration, Birsa Agriculture University, Kanke, Ranchi
6. Additional Director Extension, I/C, KVKs, Controller Assistant Controller/DEE of Information and necessary action, Birsa Agriculture University, Ranchi
7. The Controller, Birsa Agricultural University, Kanke, Ranchi
8. The Director, Extension Education, Birsa Agricultural University, Ranchi

... .. **Respondents**

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**CORAM: HON'BLE MR. JUSTICE DR. S. N. PATHAK**  
**(Through: Video Conferencing)**

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For Petitioner : Ms. Khalida Haya Rashmi, Advocate  
For Respondent-State : Mr. Sanjay Sah, AC to SC  
For University : Mr. A.Allam, Sr. Advocate  
For Resp. No.1 & 2 : Mr. Manish Kumar, Advocate

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**08/ 07.09.2021** The petitioners have approached this Court with a prayer for a direction upon the respondents to regularize the services of the petitioners, in terms of Notification dated 13.02.2015 and in light of the ratio decided by this Hon'ble Court in W.P.(S) No. 4019 /2010. Further, prayer has been made for a direction upon the respondent-University to give priority to these petitioners in appointment, which is going to be held in terms of the Advertisement dated 02.03.2019 being Advertisement No.09/2019. Further, prayer has been made for a direction upon the respondents to take lenient view in the matter of appointment of the petitioners in terms of the said advertisement and also give them relaxation of age etc. and regularize their service from the due date. Further, prayer has been made for a direction upon the respondents for consideration of their cases for payment of salary, in terms of 6<sup>th</sup> Pay Revision from the due date along with other consequential benefits.

2. The factual exposition as has been delineated in the writ petition is that the petitioners were appointed on casual basis and are working from over 10 years on different posts under Krishi Vigyan Kendra (KVK) under Birsa Agricultural University against the vacant posts, though funded by ICAR. Time and again, the services of the petitioners have been extended and petitioners have been discharging their duties to the satisfaction of the respondents. It is specific case of the petitioners that an advertisement being Advertisement No.09/2019 has been floated by the Birsa Agricultural University for filling up the available vacancies of different post including several vacant post of KVK. Pursuant thereto, the petitioners applied for the same. As the petitioners are working in different KVKs under the Birsa Agricultural University, they claimed some priority /preference for

appointment. However, the main grievance of the petitioners is regularization of their services and as such, petitioners made several representations for consideration of their cases for regularization, but the same has not been considered till date neither any order to that effect has been passed and hence this present writ petition.

3. Ms. Khalida Haya Rashmi, learned counsel for the petitioners submits that the main grievance of the petitioners is for regularization of their services as the petitioners are working continuously for over 10 years and as per the Notification of the State Government and law laid down by the Hon'ble Apex Court in catena of decision, the services of the petitioners ought to have been regularized. She further submits that the issue is now no more *res integra*. The issue has already been decided by this Hon'ble Court vide order dated 11.04.2018 passed in W.P. (S) No. 4829 of 2017 and this writ petition may be disposed of in terms of the order passed in W.P.(S) No.4829 of 2017. She further submits that in case of petitioner No. 28 is concerned though respondents are taking work from him, but he has not been paid the salary/honorarium for last 18 months.

4. Per contra, counter-affidavit has been filed.

5. Mr. A.Allam, learned counsel for the respondent-University very fairly submits that issues involved in this writ petition has already been decided by this Hon'ble Court in **W.P.(S) No. 4829 of 2017** and if the case of the petitioners are found same and similar to the cases of the petitioners in **W.P.(S) No. 4829 of 2017**, the present petitioners shall also be given the same benefits.

6. In view of the fair submissions made by the learned counsel for the parties, this writ application is being disposed of in terms of the directions issued by this Hon'ble Court in **W.P.(S) No. 4829 of 2017** and if the case of the present petitioners are found same and similar to the cases of the petitioners in **W.P.(S) No. 4829 of 2017**, the same benefits shall also be extended to the present petitioners also.

7. Accordingly, I hereby direct the respondent-University to verify the factual aspects/ issues involved in the present writ petition vis-à-vis factual aspects/ issues involved in **W.P.(S) No. 4829 of 2017** and if the facts/ issues involved in the present writ petition is found to be similar to the aforementioned writ petition, the same benefits shall be extended to the present writ petitioners also, in accordance with law, within a period of eight weeks from the date of receipt/ production of a copy of this order.

8. So far as salary of Petitioner No. 28 is concerned, if the petitioner is still working and respondent are taking work from him, he is entitled for honorarium /salary also. The Respondents are directed to verify the same and take an

appropriate decision, in accordance with law for payment honorarium admissible to him, within a period of six weeks from the date of receipt of a copy of this order.

9. With the aforesaid observations, this writ petition stands disposed of.

**(Dr. S.N. Pathak, J.)**

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