

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2022 of 2014

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1. Ambrish Kumar Tiwari Son Of Late Kalika Tiwari Resident Of Village- Chausa Bazar, Post- Chausa, Police Station- Buxar, District- Buxar

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Personnel And Administrative Reforms, Government Of Bihar, Patna
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna
3. The District Magistrate, Buxar, At And P.O. Buxar
4. The District Welfare Officer, Buxar, At And P.O. Buxar
5. The District Employment Officer, Buxar, At And P.O. Buxar
6. The Deputy Development Commissioner-Cum-Chief Executive Officer, District Board, Buxar, At And P.O. Buxar
7. The Additional Collector, Revenue, Buxar, At And P.O. Buxar
8. The Additional Collector, Revenue, Buxar, At And P.O. Buxar
9. The Executive Engineer, Sone Canal Division, Buxar, At And P.O. Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeeva Roy

For the Respondent/s : Mr. Vivekanand Singh, AC to GA 8

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-09-2015

Heard counsel for the petitioner and counsel for the respondent State.

Petitioner is seeking a direction or a mandamus upon the District Magistrate, Buxar to appoint him or regularize him since he has rendered service as a daily wager under the respondents.

From the counter affidavit filed on behalf of respondent no.3, it is evident that the petitioner was never engaged by the district administration or establishment in any capacity. He was

engaged as a daily wager in the Zila Parishad, Buxar. When his working was found to be far from satisfactory and since he was found to be involved in all kinds of fraudulent act, he was disengaged and even an FIR was lodged as would be evident from Annexure- A to the counter affidavit.

Merely because he managed to smuggle his name into the panel prepared by the district authorities for regularization, he does not get a right for regularization because the Zila Parishad is a separate identity and entity and there is no co-relation or any master servant relationship between any engagement made by Zila Parishad vis-à-vis the district administration.

If this be so then merely because the name of the petitioner was either mischievously or otherwise included in some kind of panel for regularization, he does not beget a right. The history of the petitioner and his engagement, which are supported by documents so annexed, does not make him an employee of even daily wage kind under the district administration.

Writ application, therefore, has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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