

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6849 of 2008

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1. Bhorik Yadav son of Late Kuber Yadav, R/o Village – Subashnagar, PO – Rampur, P S – Laukariya, District – West Champaran.
 2. Sanjeev Kumar son of Late Paras Baitha, R/o Village – Borwal-Narwal, P S – Bagaha, District – West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Secretary, Department of Personnel and Administrative Reforms, Govt. of Bihar, Patna.
3. Divisional Forest Officer, Bettiah, West Champaran.
4. The District Magistrate, Bettiah, West Champaran.
5. Regional Officer, Forest Department, Madanpur, Bettiah.
6. Bihar State Forest Development Corporation, Patna through Director.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. KUMAR SHASHANK SHEKHAR
Mr. Awanish Kumar Pandey
Mr. Bal Govind Sharma

For the Respondent/s : Mr. Ashok Kumar Verma, AC to SC 17

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 04-08-2015

Petitioners were engaged as daily wagers by what is known as Bihar State Forest Development Corporation. They worked for the period 1986 to 1996. Thereafter, they were disengaged. The Corporation, it seems, fell in bad days. Petitioners, therefore, decided to approach the High Court by filing the present writ application when Resolution No. 639 dated 16.3.2006 was issued by the General Administration Department laying down the parameters, based on which regularization of service of daily wagers are required to be done. This resolution was issued in light of a Constitution Bench decision rendered in the case of **State of Karnataka**

Vs. Uma Devi.

Writ application was taken up. Respondents were directed to file counter affidavit. Respondents have taken a plea that these two petitioners came to be engaged by a Corporation and not by the State of Bihar. The Resolution dated 16.3.2006 is relatable to such persons who were working for the State of Bihar. The cut off date is not changed for the persons who were engaged by any Board or Corporation. The benefit has been extended only for such people who were working in the State Government for its department.

In addition to that, the respondents also indicate that the petitioners were disengaged way back in the year 1996-97 and even if a liberal view is adopted with regard to Resolution No.639, they do not come within the ambit because such persons must be working as daily wagers continuously till the issuance of such circular.

In the totality of facts and circumstances, no case in favour of the petitioner is made out since petitioners have not worked for the State of Bihar.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

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