

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9329 of 2013

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1. Moti Prasad S/O Shri Subhash Seth, Peo, District- Kaimur (Bhabua) Resident Of Village- Akhalaspur, P.S- Kaimur, District- Kaimur (Bhabua).
 2. Narmedeshwar Upadhyay S/O Ramjee Upadhya Resident Of Village- Barhuli, P.S- Sinahan, District- Kaimur.

.... Petitioners

Versus

1. The State Of Bihar Through The Principal Secretary, Home Department, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Kaimur (Bhabhua)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar, adv.

For the Respondent/s : Mr. Sanjay Kumar, G.P.-21

: Mr. Manish Kumar, A.C. to G.P.-21

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 30-06-2016

1. Heard learned counsel for the petitioners and learned counsel for the State.

2. The petitioners are daily wagers, claiming that they have been discharging the duty at different departments of the Government of Bihar in Bhabua district and on that basis they claimed that their services should be regularized.

3. The Government of Bihar from time to time has come forward with the scheme of regularization. Last scheme for regularization provides that those who have continuously worked for five years preceding 11.12.1990 will be considered for regularization. Continuous service means the persons who have

worked 240 days each year.

4. The Sub-Divisional Officer, addressed a letter to the District Magistrate, Kaimur (Annexure-D to the counter affidavit), where it has been mentioned that in his office not a single daily wager employee is available who has worked 240 days each year for five years preceding 11.12.1990.

5. In such view of the matter, the petitioners cannot be extended the benefit of regularization. However, if the Government comes forward with any advertisement for regular appointment on class-IV post, the petitioners will have a liberty to apply for the same and the candidature of the petitioners will be considered in accordance with law.

6. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	13/7/2016
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