

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8469 of 2011

=====

1. Sailendra Kumar Verma @ Shailendra Kumar Verma Late Yugal Kishore Lal Das
Resident Of Village- Gora, Mansingh, P.O- Gora, Mansingh, P.S- Jamalpur, District-
Darbhanga.

.... Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Old Secretariat, Patna, Bihar,
2. The Principal Secretary, Cabinet Secretariat, Coordination & General Administration, Old Secretariat, Patna, Bihar,
3. The Principal Secretary, Personnel & Administrative Reforms, Old Secretariat, Patna, Bihar,
4. The Collector cum District Magistrate, District Rohtas, As Sasaram
5. The Dy. Development Commissioner, District Rohtas, At Sasaram
6. The Executive Engineer, National Rural Employment Programme, District- Rohatas, At Sasaram
7. The Block Development Officer Nasriganj, District- Rohtas.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anand K. Ojha
Mr D.K.Paswan
Mr Viveka Nand

For the Respondent/s : Mr. A.K.Choudhary, AAG 13
Mr Anshuman Singh, AC to AAG 13

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 21-06-2016

Petitioner who claims himself to have been hired way back in the year 1986 to work as a Jeep Driver under the respondent State has also been made to work as a Road Roller Driver. With his long period of experience and work he approached the Court earlier for regularization like many others such employees, who have been exploited by the State of Bihar for almost three decades at times.

There were period when even payment has not been made to the petitioner for the work taken and the reason for non-payment was not because of lack of performance of duty by the

petitioner but absence of funds. When large number of writ applications of similar kind started trickling into the High Court, a Bench decided to give a direction upon the Chief Secretary of the State of Bihar to constitute a three member committee for verification of the claim of such persons for regularization.

The case of the petitioner was considered by a three member committee and they rejected it for regularization on the ground that there were not adequate material to support the working of the petitioner since the year 1986 as asserted by him.

Now, the writ application has been filed by the petitioner on the ground that full disclosure of facts and evidence was not made before the three member committee which led to rejection of the claim of the petitioner for regularization. Petitioner has brought certain more materials on record, which has originated from the system itself, to indicate that the petitioner has been working against duly sanctioned post right from 15.5.1986 till 5.1.2010, probably the date when such a certificate was issued and is part of the record at page 82 of the writ application.

When the matter was earlier came up consideration this Court as far back as 18.8.2011 gave a clear direction upon the respondents to verify the authenticity of the document issued by the Block Development Officer, Nasariganj to the Additional Collector, Land Ceiling –cum- Incharge Establishment, Rohtas.

In the counter affidavit filed on behalf of the State they do not deny the correctness or otherwise of the said document and the covering letter dated 6.2.2010.

In view of the above, the Court is of the opinion that the rejection of the claim of the petitioner by the three member committee contained in Annexure- 13 is hereby set aside. The matter is remanded back for fresh consideration keeping in mind the long period of association and work having been performed by the petitioner.

It is made clear that since the three member committee was a working arrangement and it cannot be available in the original form and content, therefore, a decision in this regard may be taken by the Principal Secretary, Rural Development, Government of Bihar, who is ordered to be made a respondent in the present writ application.

The writ application is allowed. A decision in this regard must be taken within a period of three months from the date of production of a copy of this order.

(Ajay Kumar Tripathi, J)

sk

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	21.6.2016
Transmission Date	