

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13395 of 2013

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1. Srinath Manjhi Son Of Chandrika Manjhi R/O Village And P.O. Chanaur, P.S. Siwan Mufassil, District Siwan
 2. Dina Nath Choudhary Son Of Late Chhedi Choudhary R/O Village Hassanpur, P.O. Sarai, P.S. Siwan Muffassil, District Siwan
 3. Sudama Manjhi Son Of Late Sukha Manjhi R/O Village Salempur, P.O. Abhaila, P.S. Siwan Muffassil, District Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Committee Of Three Secretaries Headed By Secretary, Personnel And Administrative Reforms Department, Government Of Bihar, Patna
3. The Secretary, Personnel And Administrative Reforms Department, Government Of Bihar, Patna
4. The Secretary, Public Grievances Cell, Cabinet Secretariat Department, Government Of Bihar, Patna
5. The Commissioner And Secretary, Home (Police) Department, Government Of Bihar, Patna
6. The Joint Secretary, Home (Police) Department, Government Of Bihar, Patna
7. The Director General-Cum-Inspector General Of Police, Bihar, Patna
8. The Inspector General Of Police, Saran, Chapra
9. The District Magistrate, Siwan
10. The Superintendent Of Police, Siwan
11. The Sub-Divisional Officer, Siwan, District - Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. C. B. Sharma,
Mr. Arvind Kumar Singh, Advocates.
For the State : Mr. Sharad Kumar Sinha, G.P.15

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-02-2016

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

In the present writ petition, petitioners are claiming to be
regularized in their services. Petitioners are working as Awaji
Chaukidars on the place of their father/grand father



continuously for more than 10 years. Earlier these petitioners approached this Court along with others in C.W.J.C. No. 5675 of 2001 along with analogous cases. This Court has disposed of the cases vide order dated 7th February, 2007 by which this Court has directed to consider the cases of the petitioners constituting three men committee about their claim for regularisation and if they satisfied the conditions laid down in paragraph 53 of the judgment in the case of Secretary, State of Karnataka and others v. Uma Devi (3) and others, (2006) 4 SCC 1 and pass an order. Accordingly three men committee examined the cases of the petitioners and did not find favour with these petitioners and held that petitioners did not satisfy the parameter set out in the case of Uma Devi (3) (supra) and accordingly the claim was rejected.

Against that order the petitioners approached this Court in C.W.J.C. No.9031 of 2009. This Court permitted to has allowed withdraw the application with liberty to approach the District Magistrate itself whereupon these petitioners have filed representation for consideration of their cases.

From the record it appears that the matter of the petitioners with regard to regularisation of their services as Awaji Chaukidars is still pending with the Collector, Siwan but

it appears that the Collector, Siwan has directed the Senior Additional Collector to obtain the report from the concerned Officer In-charge. The matter is pending before the Collector, this Court directs the Collector, Siwan to examine the claim of the petitioners with regard to their entitlement as Awaji Chaukidars on the parameter of Uma Devi (3) (supra). If they satisfy the parameter set down in the case of Uma Devi (3) (supra) it goes without saying that they will also be entitled to same treatment. The Collector will pass a reasoned order within a period of six months from the date of receipt/production of a copy of this order.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

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