

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11121 of 2013

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1. Ram Bilas Sahu Son Of Shri Sitaram Sahu Resident Of Village- Bairbouna, Police Station- Khatauna, District- Madhubani,
 2. Ramanand Singh Son Of Late Damodar Singh, Resident Of Village- Singhma, Police Station- Matihani, District- Begusarai.
 3. Rajesh Singh Son Of Late Bhola Singh, Resident Of Village- Singhma, Police Station- Matihani, District- Begusarai.
 4. Sanjay Kumar Singh Son Of Laxmi Singh, Resident Of Village- Lodipur-Shahpur, Police Station- Shahpur, Dist.- Begusarai.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary To The Government, Public Health And Engineering Department, Government Of Bihar, New Secretariat, Vikash Bhawan, Patna.
2. The Engineer-In-Chief-Cum-Special Secretary To The Government Public Health And Engineering Department, Government Of Bihar, New Secretariat, Vikash Bhawan, Patna.
3. The Chief Engineer (Mechanical), Public Health Engineering Department, Govt. Of Bihar, New Secretariat, Vikash Bhawan, Patna.
4. Zonal Chief Engineer, Public Health And Engineering Department, Muzaffarpur Zone, Muzaffarpur.
5. Superintending Engineer, Public Health And Engineering Department, Darbhanga Circle, Darbhanga.
6. Executive Engineer, Public Health Engineering Department, Division, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhupendra Narayan Sinha,
For the State : Mr. Partha Sarthy, GA-4
Mr. Apurva Kumar,

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-09-2016

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

In the present writ petition, petitioners are seeking relief
for regularisation of service as they are working on Class IV
posts for last 11-12 years.



Public Health and Engineering Department used to engage the person on daily wages basis and subsequently on the availability of the vacancy cases would be considered for their regularization in service. The petitioners have been engaged in the service on daily wages basis and continued to be in service for 12 years. The authority has come out with a scheme for regularisation in the service. When they felt that they would not be able to secure regularisation petitioners and others approached this court vide C.W.J.C. No.7053 of 2000 and this Court has passed the order that case of the petitioners would be considered by the appointment committee and will take decision with regard to regularisation. It will be relevant to quote the relevant portion of the aforesaid order:

“5. In view of the aforesaid order of remand and direction, this Court also feels that the cases of these petitioners should also be considered by the same Committee on each and every aspect of the matter and the Committee shall also examine whether the cases of the present petitioner are similar to that of the petitioners of C.W.J.C. No. 859 of 1997 and if it is found that the cases of the present petitioners stand on the same footing, same treatment will be given to the present petitioners also. If on verification it is found that the petitioners are still working, then they should be

allowed to work in same status till their cases are finally disposed of by the Committee.”

In pursuance thereof three men committee constituted, considered the cases of the petitioners and identified 27 posts were available for the purposes of regularisation of service. 14 posts were for general category candidate and 13 posts were meant for reserve category candidate. Out of 14 persons, two persons, namely, Madhu Kant Mishra and Akal Ram have been regularised in service.

Learned counsel for the petitioners has submitted that three men committee has ignored to examine letter no.9912 dated 10.11.2009 issued by the Executive Engineer where he has said that 17 posts are vacant for regularisation of service. He has brought before this Court letter no.289 dated 15.3.2016 which shows that sufficient number of vacancies are available for the purposes of regularisation and have given the name of 12 persons waiting for regularisation.

From the record it appears that these persons are working for more than 20-24 years. Altogether 27 persons have already been regularised in service, out of that 14 persons from general category candidate and 13 from the reserve category candidate. As per list dated 15.3.2016 seniority list has been prepared on the

basis of date of birth.

In this view of the matter, respondents are directed to consider the cases of these petitioners if vacancies are available and comes in the zone of selection they should be given benefit of regularisation. All process must be completed within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.9.2016
Transmission Date	NA