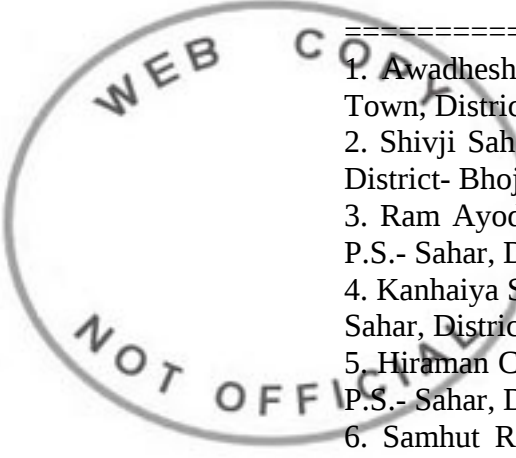


IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19703 of 2015

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1. Awadhesh Prasad son of Sahdeo Prasad, Resident of village- Dharhara, P.S.- Town, District- Bhojpur
 2. Shivji Sah, son of Late Rampati Sah, Resident of village- Agiaon, P.S.- Sahar, District- Bhojpur
 3. Ram Ayodhya Singh, son of Chandrama Singh, Resident of village- Kharaiya, P.S.- Sahar, District- Bhojpur
 4. Kanhaiya Singh, son of Ram Sundar Mahto, Resident of village- Narainpur, P.S.- Sahar, District- Bhojpur
 5. Hiranman Choudhary, son of Muneshwar Choudhary, Resident of village- Agaon, P.S.- Sahar, District- Bhojpur
 6. Samhut Ram, son of Chanar Ram, Resident of village- Diliaon, P.S.- Sahar, District- Bhojpur
 7. Ramrup Ram, son of Fekan Ram, Resident of village- Agiaon, P.S.- Sahar, District- Bhojpur
 8. Rajendra Kumar Paswan, son of Surith Paswan Resident of village- Kumhaila, P.S.- Charpokhari, District- Bhojpur
 9. Kirani Singh, son of Halkhar Singh, Resident of village- Bazaruba, P.S.- Udwantnagar, District- Bhojpur
 10. Ranjit Kumar, son of Suraj Singh, Resident of village- Pabarganj, P.S.- Nawadah Arrah, District- Bhojpur
 11. Ajai Singh, son of Achhabar Mahto, Resident of village- Nawada, P.S.- Nawadah, District- Bhojpur
 12. Janardan Singh, son of Dinanath Singh, Resident of village- Await, P.S.- Nawadah, District- Bhojpur
 13. Lallan Ram, son of Jamuna Ram, Resident of village- Bansi Dihri, P.S.- Sahar, District- Bhojpur
 14. Md. Kudus Ansari, son of Md. Abdul Rauf Ansari, Resident of village- Andhari, P.S.- Chauri, District- Bhojpur
 15. Dularchan Ram, son of Bhajan Ram, Resident of Barki Kharao, P.S.- Sahar, District- Bhojpur
 16. Kameshwar Ram son of Sahev Ram, Resident of village- Khaira, P.S.- Sahar, District- Bhojpur
 17. Ramadhar Yadav, son of Ramdeo Singh, Resident of village- Sahar, P.S.- Sahar, District- Bhojpur
 18. Awadhesh Ram, son of Sita Ram, Resident of Janahar Tola, P.S.- Nawadah Ara, District- Bhojpur
 19. Karamt Ansari, son of Budhan Mian, Resident of Chakeya, P.S.- Muffasil, District- Bhojpur
 20. Tara Bahadur Thapa, son of Bahadur Thapa, Resident of village- Aarughat, Nepal

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary-cum-Commissioner, Water Resources Department, Government of Bihar, Patna
3. The Chief Engineer, Water Resources Department, Dehri-on-Sone, District- Rohtas

4. The Superintending Engineer, Sone Canal Circle- Ara, District- Bhojpur
5. The Executive Engineer, Sone Canal Division, Ara, District- Bhojpur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi

For the Respondent/s : Mr. PRASOON SINHA- GA2

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 15-02-2016

The petitioners had been given an opportunity to present their cases before the respondent authorities in the previous writ application which was C.W.J.C. No. 14305 of 2013. The Secretary of Water Resources Department, Government of Bihar, Patna has considered their claim and a speaking order has been passed on 02.03.2015 which is now being challenged in the present writ application and has been marked as Annexuresd-19.

From a reading of the impugned order it is evident that the nature of engagement of these petitioners are in the form of seasonal workers for three months in a year and thereafter they are given due remuneration and then disengaged. The Secretary in this connection has considered Circular No. 639 dated 16.03.2006 issued by the General Administration Department which does not envisage or talks about consideration of the cases of seasonal workers. The scheme formulated by the State government in terms of a Constitution Bench decision only relates to the category of people

who have been working as daily wagers for years together.

Submission of the learned counsel for the petitioners that the nature of work is perennial and they have been engaged from year to year for a long period of time does convert them in the category of daily wagers. Such submission is rejected keeping in view evidence of their status of seasonal workers.

The Court does not find anything arbitrary or irrational in the reasons given by the Secretary of Water Resources Department, Bihar, Patna in considering their cases. Counter affidavit of the State is in support of the impugned order and further throws evidence on the status of these petitioners.

No relief for regularization can be extended to them by interfering with annexure-19 as the order does not suffer from any legal infirmity. This writ application is, thus, dismissed.

(Ajay Kumar Tripathi, J)

Amin/-

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