

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3523 of 2013

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1. Satish Kumar Son Of Sri Bhagwan Prasad Resident Of Mohalla - Admigaon (Nandgaon), P.O. Shastrinagar P.S. Shastrinagar, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Govt. Of Bihar, Old Secretariat, Patna
3. The District Magistrate, Having His Office In Collectorate Compound, Patna
4. The Deputy Collector, Establishment Having His Office In Collectorate Compound, Patna
5. The Deputy Collector, Nazarat Having His Office In Collectorate Compound, Patna
6. Civil Surgeon Cum Chief Medical Officer, Patna
7. The Secretary, Regional Transport Authority, Patna Division, Patna
8. The Superintendent Engineer, Central Anchal, Road Construction Department, Patna
9. The District Fishery Officer Cum Chief Executive Officer, Patna
10. The Commandant, B.M.P. -5, Patna

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 3896 of 2013

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1. Gopal Rai Son Of Late Shyam Nandan Rai Resident Of Near Ramdeo Bhawan, Shiv Devi Mandir Road, Punai Chak, P.O. And P.S. Shastri Nagar, District- Patna
2. Deepak Kumar Sinha Son Of Sonu Prasad Resident Of Khaprail Chak Bagicha, New Station, P.O. And P.S. Parsa Bazar, District- Patna
3. Chaudhary Charan Singh Son Of Late Yadu Nandan Prasad Resident Of Village- Alawalpur, P.O. And P.S. Punpun, District- Patna
4. Gautam Rai Son Of Sri Krishna Murari Vidyarthi Resident Of South Mandiri, Kathpul, P.O., G.P.O., P.S. Budha Colony, District- Patna
5. Sunita Kumari Wife Of Sri Rajesh Kumar Vishwakarma Resident Of Alamganj Chowki, Loharwa Ghat, P.O. Gulzarbag, P.S. Alamganj, District- Patna
6. Arun Kumar Son Of Sri Parma Ram Resident Of Village, P.O. And P.S. Shahpur, District- Patna
7. Arbind Kumar Son Of Sri Mahendra Bhagat Resident Of Village- Manohar, P.O. And P.S. Punpun, District- Patna
8. Pintal Kumar Son Of Sri Parma Ram Resident Of Village, P.O. And P.S. Shahpur, District- Patna
9. Tarun Kumar Son Of Sri Deo Sharan Prasad Resident Of Village- Alawalpur (Manoram), P.O. And P.S. Punpun, District- Patna
10. Ajit Kumar Son Of Late Ambika Prasad Resident Of Mohalla- Bari Nagla, P.O. Madhav Mills, P.S. Malsalami, Patna City, District- Patna
11. Pankaj Kumar Son Of Late Laxmi Narayan Resident Of Mohalla- Nehru Tola, P.O. And P.S. Begumpur, District- Patna
12. Chanchala Sinha Wife Of Deepak Kumar Sinha Resident Of Khaprail Chak

Bagicha, New Station, P.O. And P.S. Parsa Bazar, District- Patna
13. Sanjiv Kumar Pandey Son Of Sri Devendra Pandey Resident Of Village And
P.O. Arai, P.S. Daud Nagar, District- Aurangabad
14. Shubh Prabhat Kumar Son Of Sri Priyawart Yadav Resident Of Sone Priya
Bhawan, House No. 60, Gandhi Nagar, Montessori Schoole Lane, Boring Road,
Patna, P.S. Shri Krishnapuri, District- Patna
15. Dinanath Prasad Son Of Sri Jhari Sao Resident Of Village- Dhelwa Gosain,
P.O. Barh, P.S. Barh, District- Patna
16. Shyam Kishore Son Of Sri Ram Charan Prasad Resident Of Village- Dhelwa
Gosain, P.O. Barh, P.S. Barh, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Old
Secretariat, Patna
2. The Divisional Commissioner, Patna Division, Patna
3. The District Magistrate, Patna
4. The Deputy Collector (Establishment), Patna, District- Patna
5. The Additional District Magistrate, Patna, District- Patna

.... Respondent/s

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Appearance in CWJC No. 3523 of 2013

For the Petitioner/s : Mr. Najmal Hoda

For the Respondent/s : A.C. to S.C.12

Appearance in CWJC No. 3896 of 2013

For the Petitioner/s : Mr. Subodh Kumar Jha

Mr. Vijay Kumar Singh

For the Respondent/s : Mr. A.N. Pandey, A.C. to S.C.1

Mr. M.K. Sinha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

COMMON ORAL JUDGMENT

Date: 08-01-2016

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

In these cases, the limited grievance has been raised
that the Government without any delay should absorb the petitioners
on the regular establishment against the sanctioned vacant

posts.

The claim of the petitioners is that they were working as Daily Wager Employees. On the basis of Government policy decision, it was decided to regularize the service of the employees who are working as daily wager in the office of the Collector and its subordinate offices. In pursuance thereof, 1391 vacancies were identified but the panel has been prepared consists of 410 persons and divided into four category to namely priority No. 1 panel having 160 persons, priority No. 2 panel having 62 persons, priority No. 3 panel having 39 persons and priority No. 4 having 193 persons.

Learned counsel for the petitioners submits that the petitioners are either in priority No. 3 or in priority No. 4. Certain persons of priority No. 1 have been appointed but persons of other category have not been regularized in their services. Only limited prayer has been made that there should be an expeditious action of regularization of service. He further submits that the Government has already granted its green signal for regularization of service as roster has already been cleared and the petitioners are awaiting their regularization of service.

The petitioner No. 7 of C.W.J.C. No. 3523 of 2013 is a physically disabled person, claiming that while appointing the person,

the Collector must grant the benefit of 3% of reservation to disabled person in terms of 'Equal Opportunity to Protection of Right of Full Participation Act, 1995' which provides 3% reservation for the disabled person who suffers from disability on account of vision, audio and locomotor which came for consideration before the Hon'ble Supreme Court in *Union of India vs. National Federation of Blind and others*, reported in *2013 (4) PLJR page 427*.

It goes without saying that while making the appointment, the Collector, Patna, will also ensure that the persons who are suffered physical disability will also get a proper accommodation in their appointments. As the matter is of year 2013, it is expected that the Collector, Patna, will expedite the exercise of regularization of service. The exercise should be completed within a period of six months from the date of receipt/production of this order.

With the aforesaid observations and directions, these writ petitions stand disposed of.

(Shivaji Pandey, J)

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