

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3342 of 2014

In

Civil Writ Jurisdiction Case No. 6809 of 2012

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1. Deo Nandan Rai, Son of Late Sukhdeo Rai, Resident of village - Shahpur Mathiyapur, P.O. & P.S.- Danapur at present P.S.- Shahpur, District - Patna.
 2. Rajeshwar Prasad, Son of Sri Agnu Prasad, Resident of village - Shahpur, P.O. & P.S.- Daudpur, District - Patna.
 3. Bigyan Prasad Bari, Son of Late Ramlal Bari, Resident of village & P.O.- Ketaki, P.S.- Deo, District - Aurangabad.
 4. Sudama Rai, Late Charan Rai, Resident of village - Shahpur, Shivala, P.O.- Shahpur, P.S.- Shahpur, District - Patna.
 5. Rama Nand Yadav, Son of Late Sukhdeo Rai, Resident of village - Shahpur Devi Chaura, Mathiyapur, P.O. 7 P.S.- Daudpur, District - Patna.
 6. Daroga Rai, Son of Late Lakhan Rat, Resident of village - Mobarakpur Farm, P.O. & P.S.- Danapur, District - Patna.
 7. Suresh Yadav, Son of Dharamnath Yadav, Resident of village - Khajpura, P.O.- Veterinary College, P.S.- Airport, District - Patna.
 8. Sudershan Rai, Son of Late Janak Rai, Resident of village - Mamorakpur Farm, P.O. & P.S.- Danapur, District - Patna.
 9. Ramayan Chaudhary, Son of Late Bhola Chaudhary, Resident of village - Pandeypur, P.O.- Nimej, P.S.- Brahmpur, District - Buxer.
 10. Ram Avtar Prasad Yadav, Son of Late Deo Nandan Yadav, Resident of Ghurghur Tola, P.O.- Neora, P.S.- Shahpur, District - Patna.
 11. Uma Shankar Singh, Son of Late Jagmohan Singh, Resident of village - Olapur, P.O. & P.S.- Pirpaiti, District - Bhagalpur.
 12. Masudan Chaudhry, Son of Late Ramdas Chaudhry, Resident of village - Digha Nahar par, P.O. & P.S.- Digha, District - Patna.
 13. Wakil Singh, Son of Late Ramsundar Singh, Resident of village & P.O.- Kaithekori, District - Bhojpur, All the petitioners from serial no.1 to 13 are presently working under Ganga-Sone flood protection Division, Digha, P.S.-Digha under District town at Patna.
 14. Jagdish Pandit, Son of Late Sulochan Pandit, Resident of Mohall Indira Nagar, P.S.- Patliputra, in the town and District - Patna presently working under Sone Canal Division, Khagaul, P.S.- Khagaul under District - Patna.
 15. Yadunandan Prasad Yadav, Son of Late Sukhdeo Rai, Resident of village - Shahpur Mathiyapur, P.O. & P.S.- Shahpur, District - Patna.
 16. Ram Prit Sahani, Son of Late - Jhingar Sahani, Resident of Barkagaon Mathiya, P.O.- Jaitpur Koiwara, P.S.- Katni, District - Muzaffarpur.
 17. Harihar Ram, Son of Late Ram Lakhan Ram, Resident of Balia Kothitola, P.O. & P.S.- Nasriganj, District- Rohtas.
 18. Rajiv Kishore Pd. Singh, Son of Late Shiv Kishore Singh, Resident of village & P.O.- Swetar, P.S.- Bikram, District - Patna.
 19. Ramanuj Pandit Sudhansu, Son of Late Mahabir Pandit, Resident of village - Babhana, P.S.- Jahanabad, District - Jahanabad.
 20. Sant Kumar, Son of Late Tapeswar Sao, Resident of village - Shahpur, P.O. & P.S.- Daudpur, District - Patna, Presently the petitioners no. 15 to 20 are working under Sone flood protection Division Bihta under District - Patna.

.... Petitioner/s

Versus



1. The State of Bihar through Sri Anjani Kumar Singh, the Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. Sri Dipak Kumar Singh, the Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. Ram Pukar Rajan, The Engineer-in-Chief(Central), Water Resources Department Govt. of Bihar, Patna.
4. Hari Narayan, The Chief Engineer, Water Resources Department Govt. of Bihar, Patna Zone, Anishabad, Patna.
5. Ratnesh Kumar, The Superintending Engineer, Ganga-Sone Flood Control Circle, Mithapur, Water Resources Department Govt. of Bihar, Patna.
6. Lakshman Jha, the Executive Engineer, Ganga-Sone Flood Control Division, Digba, Patna.
7. Sanjay Raman, the Executive Engineer, Sone Canal Division, Khagaul, Patna.
8. Manish Kumar Verma, the Collector, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Kumar Pankaj, AC to SC 5

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 19-05-2017 The only direction issued by this Court was that as and when an advertisement is issued, looking into the service rendered by the petitioners in the daily wages capacity and the experience gained by them, the respondents would consider the claim of the petitioners for grant of age relaxation and adequate weightage for the experience gained in accordance with the Rule 54 of the Bihar Service Code.

Inter alia contending that the claim of the petitioners having not been considered, the application has been filed. The respondents point out that till date no advertisement has been issued and as the Court has rejected the claim of the



petitioners for regularisation, no further indulgence into the matter is called for.

Taking note of the detailed order passed by the learned Writ Court and considering the fact that claim of the petitioners for regularisation stood rejected and the only direction was to consider their claim for grant of age relaxation and weightage for the service rendered as daily wagers as and when the advertisement is issued, in the absence of there being any advertisement and the action taken by the Government to fill up the posts, no case for initiating action for contempt is made out. The application is, accordingly, dismissed.

(Rajendra Menon, CJ)

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