

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8864 of 2008

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Bhartendu Prasad Sinha son of Sri Rameshwar Prasad Sinha, resident of
Village Chhoti Yusufpur (near-R.N. College), P.O.- Hajipur, P.S.-Hajipur,
District-Vaishali

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Personal and Administrative Department, Old Secretariat, Bihar, Patna.
3. The Secretary, Finance Department Old Secretariat, Bihar, Patna.
4. The Secretary, Revenue and Land Reforms, Old Secretariat, Bihar, Patna.
5. The Secretary, Rural Development Department, Old Secretariat, Bihar, Patna.
6. The Commissioner-cum-Secretary, Rural Development Department, Old Secretariat, Bihar, Patna.
7. The Commissioner, Tirhut Division, Muzaffarpur.
8. The District Magistrate, Hajipur, Vaishali.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Singh, Adv.
Mr. Ram Naresh Ray, Adv.
Mr. Vinod Gautam, Adv.
Mrs. Renu Kumari, Adv.

For the State : Mr. Kumar Alok, S.C.-7
Mr. Neeraj Kumar, A.C. to S.C.-7.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 16-02-2017

Heard learned counsel for the petitioner and Mr. Kumar
Alok, learned S.C.-7.

The present writ application has been filed for a direction
to respondents for consideration of appointment of the petitioner on a
Class-IV post in Vaishali Collectorate.

The case of the petitioner is that the petitioner was
engaged as Khalasi, a Class-IV post on daily wages in Vaishali



Collectorate on 02.12.1999. Subsequently vide letter no. 472 dated 26.09.2003, the Executive Engineer directed the Junior Engineer not to take work from the petitioner. The petitioner challenged the disengagement order in C.W.J.C. No. 1521 of 2004. The said writ application was disposed of vide order dated 15.04.2005 wherein the learned Single Judge held that the petitioner has no right to be engaged on a daily wage simply because he had worked for certain period in past but directed the respondent authorities to make payment of wages for the period the petitioner has actually worked.

It is submitted by learned counsel for the petitioner that subsequently several decisions were taken by the State Government for preparing the panel and absorbing the persons working or engaged as daily wages in different department of the Government. The said resolution of the government has been brought on record by the counsel for the respondent through counter affidavit filed on behalf of respondent no.8. Advertisement no. 01 of 2016 has been published at the behest of Vaishali Collectorate whereby fresh panel of daily wages has to be prepared and the applications have been invited for appointment on class-IV post. Consequently, the petitioner has also applied in pursuance to the said advertisement, though the said advertisement is not on record but Xerox copy of the same has been produced by learned counsel for the petitioner. Hence, counsel for the



petitioner confines his prayer only to the extent that writ application be disposed of with a direction to respondent authorities to consider the claim of the petitioner in the light of the various resolution of the government as contained in annexure nos.- A, B and C to the counter affidavit.

Mr. Kumar Alok, learned S.C.-7 submits that in the earlier writ application, this Court declined to quash the disengagement order of the petitioner, however, the Government has taken various decisions to prepare panel and consider for absorption of daily wages employees including the petitioner which gets reflected from the various notification and letters as contained in annexure nos.- A, B and C to the counter affidavit. A specific statement to that effect has been made in para 9 of the counter affidavit which reads as follows:-

“That but it would be pertinent to mention here that as he has been working for the government, his case of appointment may be considered in vacancies to come in future according to notification No. 1198 dated 20.03.2010, letter no. 7365 dated 29.06.2011 and letter no. 2937 dated 31.03.2011.”

Considering the present prayer of the petitioner and in view of the stand of the respondents as gets reflected from the statement made in para 9 of the counter affidavit, the writ application is disposed of with liberty to the respondent-authorities to consider the



claim of the petitioner in terms of policy decision of the government
as contained in annexure nos.- A, B and C to the counter affidavit.

There shall be no order as to the cost.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22/02/2017
Transmission Date	N/A

