

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14739 of 2011

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1. Nageshwar Prasad S/O Late Dev Narain Prasad R/O Vill.- Dema, P.S.- Dhanarua In The District Of Patna
 2. Braj Bhushan Mishra S/O Late Shyamnandan Mishra R/O Vill.- Barhetta, P.S.- Parasbiga In The District Of Jehanabad
 3. Md. Azad S/O Late Md. Ishhaq R/O Mohalla- Horilganj, P.S. And Distt.- Jehanabad
 4. Lal Bihari Yadav S/O Sri Chintaman Yadav R/O Vill.- Pipardaha, P.S.- Paliganj In The District Of Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Public Health Engineering Department, Govt. Of Bihar, Patna
2. The Engineer In Chief - Cum - Special Secretary Public Health Engineering Department, Govt. Of Bihar, Patna
3. The Superintending Engineer Public Health Engineering Department, Gaya Circle, Gaya
4. The Executive Engineer, Public Health Division, Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamala Prasad Roy, Mr. Satya Ranjan Sinha, Ms. Seema Kumari
For the State	:	Mr. Binod Kumar, Mr. Deepanjali Gope, Ac toGP10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-12-2017

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

In the present case, limited question has been
raised from which date the petitioners would be treated to
have been regularized in service.

As per claim of the petitioners, they should be given
the benefit of regularization from the date their juniors
have been given regularization in service. He further



submits that this issue is no longer res-integra in view of the order passed by this Court in C.W.J.C. 358 of 2008 vide order dated 17.11.2009 the Court has affirmatively directed to grant regularization with all consequential benefits from the date their juniors have been given though they have given the benefit of regularization with effect from 14.5.2001.

The short facts of the case is that petitioners were appointed on work-charge establishment, they continued for quite long period. Respondent tried to relegate them on daily wagers and the same was challenged before this Court vide C.W.J.C. NO.4733 of 1982 which was disposed of vide order dated 6.12.1982 along with analogous writ petitions in consequence they remained to hold the post of work-charge establishment.

The petitioners approached this Court vide C.W.J.C. No.358 of 2008 with a prayer to grant the relief of regularization from their juniors have been given and this Court vide order dated 17.11.2009 disposed of the said writ petition whereby this Court has given direction to the respondent to examine the grievance of the petitioners and grant regularization from the same date their juniors



may have been granted with all consequential benefits but instead of granting the regularization from the date their juniors have been given they have granted regularization from the date of issuance of notification which is completely de hors to the direction of this Court.

In such view of the matter, this Court directs the respondent to consider the case of the petitioners and give the benefit of regularization from the date their juniors have been given. The order of regularization dated 14.5.2011 is modified to that extent the benefit is extending from the date juniors have been given, the order is required to be modified only to the extent indicated above.

It is made clear that necessary exercise is to be taken when petitioners would furnish the name of junior persons who have been regularized in service earlier are their juniors.

For convenience, the petitioners are directed to file a detailed representation along with present order to the concerned authority within a period of four weeks from today and concerned authority will dispose of the same within a period of three months from the date of filing of the



representation.

With the aforesaid observation and direction this writ petition is allowed to the extent indicated above.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2017
Transmission Date	NA

