

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16459 of 2008

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1. Chiranjib Mishra, son of Late Basudeo Mishra, resident of village Olipur, Post Office Olipur, P.S. Runisaidpur, District Sitmarhi.
2. Pawan Kumar Yadav, son of Raendra Yadav, resident of Mohalla Nayatola, Sunderpur Bela, Ward No. 4, Police Station & District Darbhanga.
3. Baidya Nath Jha, son of Hriday Narayan Jha, resident of village Loha, P.O. Loha, P.S. and District Samastipur.
4. Bishundeo Mandal, son of Late Tejan Mandal, resident of village Katghara, P.S. Bhotoramath, P.S. Hathauri Kothi, District Samastipur,
5. Ram Krishna Mandal, son of Late Sujan Mandal, resident of village and P.O. Shahpur, P.S. Benipatti, District Madhubani.
6. Manohar Jha, son of Late Ram Padarath Jha, resident of village Rewasi Pakri, P.O. and P.S. Righa, District Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Rural Development Department, Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Bihar, Patna.
3. The Chief Engineer, R.E.O. II, Road Construction Department, New Secretariat, Patna.
4. The Superintending Engineer, Rural Engineering Organization, Works Circle, Muzaffarpur, District Muzaffarpur
5. The Executive Engineer, R.E.O. Works Division, Sitamarhi, District Sitamarhi.
6. The Executive Engineer, R.E.O. Works Division, Sheohar at Sitamarhi,
7. The District Magistrate, Sheohar, District Sheohar.

.... Respondents

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Appearance :

For the Petitioners : Mr. Durga Nand Jha,
Mr. Lakshman Jha, Advocates
For the Respondents : Mr. P.K. Verma, AAG 3
Ms. Divya Verma, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-07-2017

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

2. The present writ petition has been filed for various reliefs



including quashing of letter no. 477 dated 26.08.2008 (Annexure-1) issued by the District Magistrate, Sheohar to the Executive Engineer, R.E.O., Works Division, Sheohar at Sitamarhi by which it has been informed that decision in the matter of petitioner's regularization would be taken by the concerned office of Sitamarhi District inasmuch as Sheohar District came into existence only in the year 1994, whereas the petitioners had been engaged prior thereto under the jurisdiction of the then Sitamarhi District.

3. Learned counsel for the petitioners submits that pursuant to various circulars of the State Government relating to regularization, a list of nine persons including the petitioners was prepared by the Executive Engineer and forwarded for appropriate consideration in his letter no. 87 Anu., dated 15.01.2007 to the District Magistrate, Sheohar and in respect of which the impugned letter dated 26.08.2008 (Annexure-1) has been issued by the District Magistrate, Sheohar. It is submitted that the petitioners fulfilled all the criteria laid down in the various circulars of the State Government (Annexures 5 and 6) and thus entitled for their regularization. It is further submitted that another similarly situated person Krishna Rai whose name also appears in the same list of nine persons enclosed with the aforesaid letter no. 87/Anu dated 15.01.2007 referred to the District Magistrate, Sheohar has since been regularized against vacant posts and in terms of letter No. 72 dated 09.02.2008 issued by the District Magistrate,



Sheohar. The petitioners therefore, claim similar relief as granted in the case of aforesaid Krishna Rai.

4. Learned counsel for the State appears and has been heard. It is submitted that inasmuch as the District of Sheohar was created in the year 1994 and the petitioners had been working since prior thereto, their case can appropriately be considered by the appropriate authorities in the District of Sitamarhi as stated in the order dated 26.08.2008 (Annexure-1).

5. In course of hearing of the matter, learned counsel for the petitioners has expressed without prejudice to the submissions made, that they would have no objection if their case was considered by the appropriate authority at Sitamarhi as proposed in the impugned letter dated 26.08.2008 (Annexure-1).

6. Having regard to the stand of the parties, the present writ petition is disposed of with a direction to the Executive Engineer, R.E.O. Works Division, Sheohar at Sitamarhi (Respondent No. 6) to give effect to the letter dated 26.08.2008 of the District Magistrate, Sheohar (Annexure-1) and forward the list of the nine persons including the petitioner as contained in Annexure-7, to the District Magistrate, Sitamarhi for appropriate action, ensuring that the same is forwarded within a period of two weeks from the date of receipt/ production of a copy of this judgment. The petitioners shall also be at liberty to approach the District Magistrate, Sitamarhi with appropriate



representation raising all points for redressal of their grievances thereafter. It is expected that the matter would be considered and disposed of expeditiously considering that the claim of the petitioners has remained pending for over a decade.

7. It is made clear that this Court has not expressed any opinion whatsoever, on the merits of the claim of the petitioners.

Chandran/BT

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06..07.2017
Transmission Date	N.A.

