

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16824 of 2016

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Bachchi Devi Wife of Late Bam Shankar Prasad Resident of Mohalla - Yogia
Tola, Yarpur, P.S. Gardanibagh, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Building Construction Department, Govt. of Bihar,
Patna.
4. The Director, Primary Education, Education Department, Bihar, Patna.
5. The District Magistrate, Buxar.
6. The Executive Engineer, Building Division, Building Construction
Department, Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Madhuri Lata, Adv. Mr. Nand Lal Kumar Singh, Adv. Mr. Manish Kumar, Adv. Mr. Rajeev Nayan, Adv.
For the Respondent/s	:	Mr. Sushil Kumar-GP22 Mr. Rakesh Kumar, AC to GP 22

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date : 14-08-2018

Heard Mr. Nand Lal Kumar Singh, learned counsel for the
petitioner and Mr. Rakesh Kumar, AC to GP 22 for the State.

The petitioner prays for regularization on the post of Peon
and her claim is based on the appointment letter issued by the
Executive Engineer bearing No. 1113 dated 29.07.1991, a copy of
which is enclosed at Annexure-1 to the writ petition, whereby she
was employed on daily wage basis initially for 89 days but
according to learned counsel for the petitioner, she has continued



on the post until date albeit on a meager salary of Rs. 500/- per month. He submits that the office in which the petitioner was employed has since been shifted to Buxar and consequently she is serving under Executive Engineer, Building Division at Buxar who acknowledging the claim of the petitioner has recommended her case before the District Magistrate, Buxar for appropriate orders vide his letter dated 28.01.2013 at Annexure-4 but has not been acted upon. He next refers to the letter of the Executive Engineer dated 05.07.2016 at Annexure-5 to submit that it is a certification of the statement of the petitioner that she has been continuously working on daily wages since her engagement in 1991. A counter affidavit is filed and in which it is stated that the District Magistrate, Buxar would be the appropriate authority to answer the claim.

Having heard learned counsel for the parties and taking note of the submissions of learned counsel for the parties, I deem it proper to direct to the District Magistrate, Buxar to consider the claim for regularization of the petitioner in the light of the recommendation made by the Executive Engineer, Building Division, Buxar present at Annexures- 4 and 5 of the writ petition and dispose of the same in accordance with law within a period of



3 months from the date of receipt/production of a copy of the order.

The writ petition is allowed with the direction above.

(Jyoti Saran, J)

Bibhash/Ranveer

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2018
Transmission Date	NA

