

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18457 of 2011

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RAMESHWAR SAHNI S/O SRI BINDA SAHNI R/O VILL LAXMIPUR,
P.O.TURKI, DISTT-MUZAFFARPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE SECRETARY, HUMAN RESOURCES DEVELOPMENT
DEPARTMENT GOVT. OF BIHAR, PATNA
3. THE UNDER SECRETARY, DEPARTMENT OF LABOUR &
EMPLOYMENT GOVT. OF BIHAR, PATNA
4. THE DIRECTOR , SECONDARY EDUCATION GOVT. OF BIHAR,
PATNA
5. THE REGIONAL DEPUTY DIRECTOR OF EDUCATION , TIRHUT
DIVISION MUZAFFARPUR
6. THE DISTRICT MAGISTRATE MUZAFFARPUR
7. THE DISTRICT EDUCATION OFFICER MUZAFFARPUR
8. THE PRINCIPAL GOVT. TEACHERS TRAINING COLLEGE TURKI,
MUZAFFARPUR

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar , Advocate
For the Respondent/s : Mr. Manoj Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 04-09-2018 Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner was initially appointed as peon, his
appointment was cancelled on 25.03.1997. Petitioner has
filed the present application for quashing the order
contained in letter No. 83-84 dated 25.03.1997 and for
consequential reliefs to reinstate the petitioner with all
consequential benefits. The writ petition was filed in the
year 2011 after fourteen years of the order of termination



dated 25.3.1997.

Learned counsel for the petitioner Mr. Bipin Bihari Singh with reference to certain correspondence of the Principal of the college with the Director, Research and Training submitted that the case of the petitioner requires consideration in view of the policy decision of the State Government contained in resolution dated 10.05.2005 whereby the cut off date for consideration of the daily wagers for regularization/absorption was shifted from 01.08.1985 to 11.12.1990 petitioner was appointed after the cut off date which was previously fixed as 01.08.1985. Mr. Bipin Bihari Singh submits that the respondents have Personnel and Administrative Reforms Department has considered the hardship of the daily wagers who were appointed after the cut off date i.e. 01.08.1985 and consciously decided after discussion with the employees association on 21.01.2005 to extend the cut off date from 01.08.1985 to 11.12.1990.

The counsel submits that the case of the petitioner falls within the extended period of cut off date as the petitioner was initially appointed in the year 1987.



Learned counsel appearing on behalf of the state submit that if petitioner approaches the competent authority in the Education Department namely Director Research and Training, then he shall examine the claim of the petitioner in the light of the resolution dated 10.05.2005 and if the petitioner fulfill the requirements under the policy decision dated 10.05.2005 the respondent may consider the case however he submits that in the process of taking decision the respondents are also require to consider the judgment of the Apex Court in the case of **Secretary State of Karnataka vs. Uma Devi reported in (2006) 2 SCC (1)** and further explained by the Apex Court in the case of **M.L. Keshri reported in (2010)9 SCC 247.**

In view of the above the writ petition is disposed of with a liberty to the petitioner to file representation before the Director, Research and Training, who shall examine the claim of the petitioner within the parameters of the judgment of the Apex Court in the case of Uma Devi and M.L. Keshri (Supra) and the policy decision contained in Resolution dated 10.05.2005, and pass appropriate reasoned order within a maximum period of four months



from the date of receipt/production of copy of this order.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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