

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.130 of 2015

=====

1. Ramchit Singh Son of Sri Shailendra Singh Resident of Village- Karzama, Post- Kakbara, District- Banka, working as Pump Attendant at Tairaita Rural Water Supply.
2. Arbind Kumar Son of late Bano Prasad Yadav Resident of Village- Sahsole, Post- Dibra Bazar, P.S.- Barhara Kothi, District- Purnea.
3. Naresh Prasad Yadav Son of late Chabil Prasad Yadav Village- Raghapur Tiker, Post- Nath Nagar, Panchayat- Noorpur, P.S.- Madhusudanpur, District- Bhagalpur.
4. Kapil Mandal Son of Kishori Rai Resident of Village- Birnaut, Post and P.S.- Goradih, District- Bhagalpur.
5. Mukesh Kumar Son of Sri Rambilash Prasad Singh Resident of Village- Bholsar, Post- Ekchari, P.S. Kahalgaon, District- Bhagalpur.
6. Gunjan Kumar Singh Son of Sri Baikunth Prasad Singh Resident of Village and Post- Dhuaway , P.S. Sanokhar, District- Bhagalpur.
7. Dilip Yadav Son of Sri Bindeshwari Prasad Yadav Resident of Village- Mirzapur, P.S. Madhusudanpur (Nathnagar), Block- Nathnaar, District- Bhagalpur.
8. Md. Khursheed Son of Md. Jamal Resident of Village- Sahjangi, Post- Habibpur, P.S.- Habibpur, District- Bhagalpur.
9. Murari Kumar Son of Sri Parmanand Rai Resident of Village and Post- Tulispur, P.S. Kharik Bazaar, District- Bhagalpur.
10. Md. Lalu Son of late Ibrahim Resident of Village and Post- Rangra, P.S. Rangra chowk, District- Bhagalpur.
11. Md. Sharful @ Md. Sharful Haque Son of Md. Ainul Haque Resident of Village and Post- Habibpur, P.S. Habibpur, District- Bhagalpur
12. Ranjeet Kumar Son of late Rambriksh Sah Resident of Village and Post- Ekchari, P.S. Rasalpur Kahalgaon, District- Bhagalpur.
13. Subhash Thakur Son of late Deep Narayan Thakur Resident of Village- Bargaon, Post - Dariyapur, P.S.- Sajour, District- Bhagalpur.
14. Rajesh Mandal Son of Sri Anil Mandal Resident of Village , Post and P.S.- Sanokhar, District- Bhagalpur

.... **Petitioners**

Versus

1. The State of Bihar through Principal Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
2. The Engineer in Chief, Public Health and Engineering Department, Government of Bihar, Patna.
3. The Chief Engineer(Mechanical), Public Health and Engineering Department, Government of Bihar, Patna.
4. The Superintending Engineer, Public Health and Engineering Department, Civil and Mechanical, Government of Bihar, Bhagalpur Circle, Bhagalpur.
5. Executive Engineer, Mechanical, Public Health and Engineering Department, Bhagalpur Division, Bhagalpur.
6. The Executive Engineer, Civil, Public Health and Engineering Department(East), Bhagalpur Division, Bhagalpur.
7. The Executive Engineer, Civil, Public Health and Engineering Department(West), Bhagalpur Division, Bhagalpur.
8. Assistant Engineer, Public Health and Engineering Department, Mechanical , Sub Divisional Office, Bhagalpur.



9. Assistant Engineer, Public Health and Engineering Department, Mechanical , Sub Divisional Office, Banka.
10. Assistant Engineer, Public Health and Engineering Department, Civil, Sub Divisional Office, Naugachia, District- Bhagalpur.
11. Assistant Engineer, Public Health and Engineering Department, Civil , Sub Divisional Officer, Bhagalpur.
12. Assistant Engineer, Public Health and Engineering Department, Civil , Sub Divisional Officer, Sultanganj,, Bhagalpur.
13. Assistant Engineer, Public Health and Engineering Department, Civil , Sub Divisional Officer, Kahalgaon, , Bhagalpur.
14. Junior Engineer, Mechanical , Public Health and Engineering Department, Section Incharge, Kahalgaon and Bhagalpur, Prashaka-Kahalgaon.
15. Junior Engineer, Mechanical , Public Health and Engineering Department, Section Barahat, District- Banka **Respondents**

=====

Appearance :

For the Petitioners : Mr. Ajay Kumar Jha, Advocate

For the Respondents : Mr. Prabhat Kumar, AC to GA XI

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 26-03-2018

Heard learned counsel for the petitioners as well as learned counsel for the State.

2. Petitioners, who are working as semi skilled labour with the respondent authorities at the Urban as well as Rural Water Supply Pumps have approached this Court for setting aside departmental order contained in letter no. 1224 dated 8.7.2014 (Annexure 4) to the writ petition, further modified under order contained in letter no. 1578 dated 15.6.2015 (Annexure 6 to I.A. No. 556/2017) regulating the manner of engagement of semi skilled labour so as to exclude their name from the panel. Counsel for the petitioners submits that certain payments in respect of the work done by them under orders of the respondent authorities, are due to be



paid to them.

3. Counter affidavit has been filed by respondents no. 1 to 15. It is submitted that similar orders were set aside by this Court vide order dated 4.3.2014, passed in C.W.J.C.No. 3521 of 2014. State counsel further submits that the respondent department has notified Bihar PHED, Pump Operator/Electrician (Recruitment and Service Conditions) Rules, 2014 in Bihar Gazette for appointment of Pump operators and electricians and in view of the said Rules having been notified, the scope of arbitrariness has been done away and now uniform process for appointment on the aforesaid posts shall be undertaken on the sanctioned posts through public advertisement providing equal opportunity to eligible persons including the petitioners under the said Rules.

4. In view of the subsequent development occurring after filing of the writ petition, nothing survives for adjudication. As such, the writ petition is dismissed.

5. Petitioners would be at liberty to approach the respondent authorities for payment of their claim, if any.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	
CA V DATE	NA
Uploading Date	3.4.2018
Transmission Date	NA

