

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 2769 of 2014

- =====
1. Sri Mahendra Lal Harijan Son Of Sri Hibalal Hari Resident Of Village- Mahesh Bayana, P.S.- Gachprar, District Kisanganj
 2. Kailash Prasad Singh Son Of Mahendra Prasad Singh Resident Of Village Khagra, P.S. + P.O. + District Kisanganj
 3. Md Saffudin Son of Md Siddiqui Resident of Village Dhorabado, P.S. Rampur, District Kisanganj

.... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Environment & Forest Department Bihar Patna
2. Principal Chief Forest Conservator Bihar, Patna
3. The District Magistrate, Araria
4. The Divisional Forest Officer, Araria, Forest Division, District- Araria
5. The Range Officer, Kisanganj, District Kisanganj

.... Respondent/s

WITH

Civil Writ Jurisdiction Case No. 3432 of 2014

- =====
1. Md Suleman Son of Ruke Mohamad Resident of Village Arbari, P.S. Rampur, District Kishanganj
 2. Uma Shankar Son of Ramchandra Ram Resident of Village- Loharpatti Road, District- Kisanganj
 3. Md Tazimuddin Son Of Kalmiuddin Resident Of Village- Bithabari, P.O. Taibpur, P.S.- Pothia, District Kisanganj
 4. Baddha Kissku @ Lambu Kissku Son Of Gosayq Kissku Resident Of Village- Arari, P.S. Rampur, District- Kisanganj
 5. Md Basru Son Of Md Zagruddin Resident Of Village + P.S. Thakurganj, District Kisanganj

.... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Environment & Forest Department Bihar Patna
2. Principal Chief Forest Conservator Bihar, Patna
3. The District Magistrate, Araria
4. The Divisional Forest Officer, Araria, Forest Division, District- Araria
5. The Range Officer, Kisanganj, District Kisanganj

.... Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Rishikesh Ojha, Jitendra Kr Pandey, Advs
For the S t a t e	:	Mr Ajay Behari Sinha, GA VIII, Mr Suryakant Kr, AC to GA VIII, Mr Rakesh Nr Singh, AC to AAG XV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 12-07-2018

Heard the parties.

2 It is submitted by the learned counsel for the petitioners that the petitioners were engaged on daily wages to perform the various functions assigned to Group IV employees working under the Forest Department. It is submitted that amongst other duties, they were also performing the duty of Forest Guards. Learned counsel for the petitioners has drawn attention of the Court towards Annexure C which has been placed on record by filing a supplementary affidavit. Same is a communication dated 20.07.2007 under Letter No 97 issued by the Range Officer, Araria addressed to the Divisional Forest Officer, Araria showing that the petitioners have worked for 240 days prior to 11.12.1990 and are entitled to consideration of their case for appointment by way of regularization. A list of such employees including the petitioners has been communicated who were working for more than 240 days prior to 11.12.1990.

3 It is submitted by the learned counsel for the petitioners that prior to their disengagement in the year 2007, they had worked for more than 240 days and, as such, are entitled to the benefit



of the Government decision dated 03.06.2006 bearing Circular No 1533 issued by the General Administration Department regarding regularization of daily wages employees.

4 Whether the petitioners are entitled for regularization on the strength of such correspondence is an issue to be considered and decided by the respondent-authority in accordance with law subject to the petitioners fulfilling all conditions required if and when the process of appointment by way of regularization is taken in terms of the decision dated 03.06.2006 referred to by learned counsel for the petitioners. It is not anybody's case in the proceedings that such exercise has been undertaken as of now.

5 In view of the aforesaid circumstances, the writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.07.2018
Transmission Date	NA

