

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20294 of 2016

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1. Satendra Singh son of Sri Suraj Rai, Resident of Village- Sishbania, Police Station -Uchkagaon, District -Gopalganj.
 2. Mukhtar Ahmad son of Yasin Mian Resident of village -Patar, Police Station Raghunathpur, District -Siwan.
 3. Ranjit Chaudhary son of Sahdeo Chaudhary, Resident of village- Bishunpura, Police Station- Nautan District -Siwan.
 4. Shivaji Prasad son of Late Sagawan Chaudhary Resident of village - Motpur Chiktohi, Police Station- Mirganj, District -Gopalganj.
 5. Ram Udai Prasad son of Ramashray Prasad Resident of village- Sabreji, Police Station- Mirganj, District -Gopalganj.
 6. Babu Ram Chaudhary son of Late Janardan Chaudhary, Resident of Village- Ram Nagar, Police Station- Bhore, District –Gopalganj.
 7. Mahendra Sahni son of Late Radhe Sahni, Resident of Village- Chaumukh, Police Station+Post Office- Vijaypur, District- Gopalganj.
 8. Kailash Thakur Son of Late Sitaram Thakur, Resident of village- Bindusar, P.S. and District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Vaishali.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna, Bihar.
3. The Principal Secretary, Department of General Administration, Old Secretariat, Patna.
4. The Principal Secretary, Minor Irrigation, Government of Bihar, Patna.
5. The Chief Engineer, Minor Irrigation Department, Muzaffarpur.
6. The Superintending Engineer, Minor Irrigation Department, Chapra.
7. The Executive Engineer, Minor Irrigation Division, Siwan.
8. The Assistant Engineer, Minor Irrigation Division, Siwan.
9. The Executive Engineer, Minor Irrigation Division, Gopalganj.
10. The Assistant Engineer, Minor Irrigation Sub - Division, Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukul Prasad, Adv.
For the Respondent/s : Mr. Partha Sarthi- GA4
Mr. Mrigendra Kumar, A.C to G.A- 4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-07-2018

Heard Mr. Mukul Prasad learned counsel for the petitioner and

Mr. Mrigendra Kumar A.C. to G.A-4 for the State.



The petitioners are aggrieved by the order bearing Memo No. 672 dated 23.07.2013 whereby the plea for regularization of the services of the petitioners has been rejected inter alia on grounds that the petitioners were not appointed by a competent authority nor have faced a valid selection process or any evidence in support was placed by the petitioners. The pleadings on record would confirm that this is a third round litigation for the petitioners.

These petitioners had been engaged from some time during the period 1979-84 and were disengaged in the year 2001-02. Feeling aggrieved, they moved this Court in writ petitions which was allowed with the direction of reinstatement. The State went in appeal and the Division Bench directed for constitution of a Committee to enquire into the issue of regularization. Since the finding of the Committee so constituted was not in favour of the petitioners, they again approached the High Court in CWJC No. 6070 of 2011 along with some other daily wagers and which writ petition was heard along with connected writ petitions. A coordinate bench taking note of the circumstances as well as the judgment of the Supreme Court in the case of **State of Karnataka and others Vs. M.L. Kesari and others** reported in **(2010) 9 SCC 247** paragraph 11, gave liberty to the petitioners to raise the plea before the concerned authority and who was directed to dispose of the same in accordance with law. It is since the



consideration has gone against the petitioners as referred to above and their plea for regularization has been rejected on 23.07.2013 vide Annexure- 1 that they have again approached this Court.

I have heard the parties and I have perused the records which confirm that the petitioners are not in service since 2001-02 onwards. The matter had been remitted to the authority concerned for consideration of the plea for regularization and has been rejected on grounds that there are no supportive papers of appointment of the petitioners on daily wages by a competent authority.

Though Mr. Mukul Prasad has laboured hard to persuade this Court relying upon some entry in the Muster roll but two submissions of Mr. Mrigendra Kumar learned State counsel would put an end to the present contest, i.e:

(a) The argument of learned counsel for the petitioners does not support a valid appointment; and

(b) The petitioners have moved this Court after a lapse of 3 years since the order of rejection.

Even if this Court would have been persuaded to condone the delay considering the services rendered by the petitioners during the period 1979 -84 and 2001-02, that there is nothing on record to support a valid appointment of the petitioner on daily wage, the circulars dated 18.06.1993 of the Department of Personnel and



Administration Reforms which was in force when these petitioners had been disengaged, yet would not come to their rescue.

Thus, not being persuaded to interfere with the order impugned, the writ petition is dismissed.

(Jyoti Saran, J)

Bibhash/Ranveer

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2018
Transmission Date	NA

