

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21161 of 2014

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1. Raghubir Prasad Son of Late Harbans Rai R/o Village & P.O Rampur Shyamchand District - Vaishali., Dhaukidar Purvi Koshi Tatbandh Division, Supaul
 2. Ashok Kumar Son of Late Kamla Prasad Chaukidar Purvi Koshi Tatbandh Chandrayan Division, Distt- Saharsa Resi of Bibi jung Maida Toli, Danapur, Patna.
 3. Bado Ahmad Son of Late Md. Halim Chaukidar Jal Nissaran Division, Khopria Distt- Saharsa Resi of Village Sanagpura P.O - Khagaul, Distt- Patna.
 4. Jagdish Prasad Son of Rameshwar Prasad Chaukidar Jal Nissaran Division Khoparia, Dist- Saharsa Resi of village & P.O Lakhisarai, Distt- Lakhisarai
- Petitioners**

Versus

1. The State of Bihar
 2. Principal Secretary, Irrigation Department, Government of Bihar, Patna.
 3. Engineer in Chief, North, Water Resource Department, Bihar, Patna.
 4. Chief Engineer, Water Resource Department, Birpur, District - Supaul.
 5. Superintending Engineer, Purvi Tatbandh Circle, Irrigation Department, Saharsa.
 6. Executive Engineer, Purvi Koshi Tatbandh Division, Irrigation Department, Khoparia, District - Saharsa.
 7. Executive Engineer Jal Nissaran Division, Irrigation Department. Khoparia, District - Saharsa.
 8. Executive Engineer, Purvi Koshi Tatbandh Chandrayan Division, Irrigation Department, District – Saharsa
- Respondents**

Appearance :

For the Petitioners	:	Mr. Naresh Chandra Verma, Advocate and Mr. Natraj Verma, Advocate
For the State	:	Mr. A.K.Rastogi, AAG 10

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioners as well as
learned counsel for the respondent State.

Learned counsel for the petitioners submits that in light of the resolution of the Finance Department dated 17.10.2013, the petitioners are entitled to consideration of claim of their regularization, as they were working in the Department on daily wages since prior to the cut off date 11.12.1990.



Learned counsel for the respondent State has submitted that the petitioners have earlier approached this Court by filing C.W.J.C.No.16234 of 2012 which was disposed of vide order dated 2.1.2014 with direction to the respondents to consider their claim in light of paragraph 45 of the decision rendered by the Hon'ble Apex Court in case of **Secretary, State of Karnataka and others Vs. Uma Devi and others**, reported in **(2006)4 SCC 1**.

Consideration has been done by the respondent authorities under order dated 10.7.2014 bearing memo no. 1738. Respondents have found that the petitioners were not engaged against sanctioned post and as such were not worthy of consideration in terms of the judgment pronounced in case of **Uma Devi and others (supra)**.

In terms of the judgment of the Hon'ble Apex Court the petitioner would lie within the zone of consideration as a one time measure only if he was fulfilling the condition of being a duly qualified person working on a duly sanctioned vacant post and had worked for a considerable period of 10 years or more without intervention of order of any Court or Tribunal. In the instant case, respondents have found that the petitioner was engaged against the post which was not duly sanctioned vacant



post.

In view of the findings of the respondents, this Court would observe that the petitioner is not entitled to benefit of the regularization. There is no reason for this Court to interfere with the reasoned order dated 10.7.2014 impugned in the instant writ petition.

The writ petition is devoid of merit and is dismissed.

(Madhuresh Prasad, J)

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