

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21464 of 2014

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1. RAMESHWAR GIRI SON OF LATE PANCHKAURI GIRI, RESIDENT OF VILLAGE FAKHRABAD, POLICE STATION KUDRA, DISTRICT KAIMUR AT BHABUA
 2. RAM CHANDRA RAM SON OF LATE RAMGATI RAM, RESIDENT OF VILLAGE KUDRA CHAKIYA, POLICE STATION KUDRA DISTRICT KAIMUR AT BHABUA
 3. KAMESHWAR SINGH SON OF LATE JAMINDAR SINGH, RESIDENT OF VILLAGE BAJITPUR POLICE STATION
 4. RAVI SHANKAR YADAV SON OF SHOBH NATH YADAV, RESIDENT OF VILLAGE FAKHARABAD, POLICE STATION KUDRA, DISTRICT KAIMUR AT BHABUA
 5. SUDARSHAN PASWAN, SON OF BHUNESHWARI PASWAN RESIDENT OF VILLAGE MAHUWARI, POLICE STATION NOKHA, BAGLAULA, DISTRICT ROHTAS AT SASARAM
 6. VIJAY RAM SON OF SOMARU RAM, RESIDENT OF VILLAGE SAMARI, POLICE STATION SHIV SAGAR DISTRICT ROHTAS AT SASARAM

... .. Petitioners

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY ENVIRONMENT AND FOREST DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
2. THE PRINCIPAL SECRETARY, ENVIRONMENT AND FOREST DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
3. THE JOINT SECRETARY, ENVIRONMENT AND FOREST DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
4. THE DEPUTY SECRETARY, ENVIRONMENT AND FOREST DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
5. THE PRINCIPAL CHIEF CONSERVATOR OF FOREST, ENVIRONMENT AND FOREST DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
6. THE REGIONAL CHIEF CONSERVATOR OF FOREST, ENVIRONMENT AND FOREST DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
7. THE DISTRICT MAGISTRATE, KAIMUR
8. THE DISTRICT MAGISTRATE, ROHTAS AT SASARAM
9. THE DISTRICT FOREST OFFICER, ROHTAS FOREST DIVISION, SASARAM
10. THE DFO, KAIMUR AT BHABUA.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Ravindra Nath Dubey, Advocate
For the Respondents	:	Mr. RishiRoy Sinha, SC 19 and Mr. Archana Prasad, AC to SC 19

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 respondents.

It is submitted by learned counsel for the petitioners that the petitioners have worked in the Forest Department on daily wages prior to the cut off date 11.12.1990.

Learned State counsel has relied upon the averment made in the counter affidavit to submit that in terms of the decision of the Hon'ble Apex court in case of the **Secretary**,



State of Karnataka and others Vs. Uma Devi and others, reported in **(2006)4 SCC 1** a committee was constituted to consider the issue of regularization and in respect of the petitioners it was found that they were not working against the sanctioned post and as such they were not found fit for regularization.

Learned Counsel for the petitioners however submits that no such order has been communicated to the petitioners with reference to details of vacancy in this regard and as such they are not in a position to take appropriate steps in the matter.

In this situation, this Court finds that the interest of justice would be served if the Regional Chief Conservator of forest, Environment and Forest Department, Government of Bihar, Patna (respondent no.6) communicate the decision by a reasoned and speaking order as per the stand taken in the counter affidavit. The decision should be communicated to the petitioners within a period of eight weeks from the date of receipt/production of a copy of this order. In the event, petitioners are aggrieved by such orders, it would be open for them to avail the remedy available to them in accordance with law.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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