

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8014 of 2015

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1. Randhir Kumar Raman. Son of Chabi Nath Mandal. Resident of village - Kumarpur, P.S.- Bariarpur, District - Munger at present working in Central Jail Buxar.
 2. Dulal Prasad Chaudhary. Son of Late Hari Prasad Chaudhary. Resident of village - Barharwa, P.S.- Barharwa, District - Sahebganj, at present working in Central Jail Bhagalpur.
 3. Binda Prasad Singh. Son of Late Shukhadeo Singh. Resident of village - Chainpur, P.S.- Sahebganj, District - Muzaffarpur, at present working in District Jail, Nawada.
 4. Babu Ram Singh Son of Late Kapildeo Singh Resident of village - Vidupur Railway Station, P.S.- Raja Pakar, District - Vaishali at present working in Mandal Kara, Hazipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Home Department, Government of Bihar, Old Secretariat, Patna.
3. The Inspector General of Prison, Bihar, Patna.
4. The Superintendent, Central Jail, Bhagalpur, District - Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Satish Chandra, Advocate
For the S t a t e : Mr Vivek Prasad, GP 18

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 26-03-2018

Heard learned counsel for the petitioners and the learned
counsel for the respondent-State.

2 It is submitted by the learned counsel for the petitioners that the petitioners were appointed in temporary capacity as Jail Wardens in the year, 1984. He submits that all other persons, who have been appointed in 1984 and who are similarly situated as the petitioners, were regularized against the sanctioned vacant post on



directions of the Home (Prison) Department by order dated 16.01.1994. The petitioners and others have been claiming their regularization with effect from 1994. However, under various orders passed by this Court including the order dated 18.05.2012 passed in *CWJC No 16376 of 2011*, the regularization, in respect of other similarly situated, has been granted finally with effect from 16.01.1994. He submits that relying upon the litigation policy, the competent authority, being the Inspector General of Prison (respondent No 3) has granted the same benefit in respect of all others who had earlier been regularized under order dated 16.01.1994 bearing Memo No 193. He submits that the petitioners have, however, been left out even though they are identically situated and are entitled to similar treatment not only in terms of the order of this Court passed in *CWJC No 16376 of 2011* but also in terms of the order dated 05.02.2018 issued by the Inspector General of Prison relying upon the litigation policy and the obligation upon the authorities to give similar treatment to the applicants as has been given to other similarly situated persons under orders of the Court.

3 Counsel for the respondent-State has relied upon the averments made in the counter affidavit to state that the petitioners have been left out since their educational qualifications were finally verified as late as in October, 2014.



4 Be that as it may, if the petitioners are similarly situated as the petitioners of *CWJC No 16376 of 2011* then they would surely be entitled to similar treatment and merely because of the fact that their educational qualifications have been verified belatedly, they cannot be denied the benefit more so in terms of the Litigation Policy, 2011 of the State.

5 With the aforesaid observation, this writ petition is disposed of.

6 Respondent No 3 shall consider the claim of the instant petitioners in light of the observations made hereinabove and pass a reasoned and speaking order in accordance with law within a period of eight weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2018
Transmission Date	NA

