

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22181 of 2013

AMIT KUMAR SON OF LATE RAMESHWAR MAHTO RESIDENT OF
'R' BLOCK, ROAD NO. 3, QUARTER NO. B/11, POST G.P.O., P.S.
SACHIVALAYA, DISTRICT PATNA

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Finance Department, Govt. Of Bihar, Patna
3. The Secretary (Resources) Finance Department, Govt. Of Bihar, Patna
4. The Joint Secretary, Finance Department, Govt. Of Bihar, Patna
5. The Under Secretary, Finance Department, Govt. Of Bihar, Patna

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Amarendra Narayan, Advocate
For the Respondents	:	Mr. Uday Bihari Singh, Ac to GP 19

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-10-2018 Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

Petitioner's claim for regularization as Safai Karmi is being resisted by the respondent State in the counter affidavit by assigning the reason that he has not worked for more than 240 days in every year since 20.8.1988. Said consideration is *prima facie* contrary to the law laid down by the Division Bench of this Court in the case of **Ashok Kumar Sharma and others Vs. The State of Bihar and others**, reported in **2016(1) PLJR (HC) 232**. Specific mandate of the Division Bench with reference to the resolution dated 16.3.2006 bearing memo no. 639 is that 240 days in every year for five continuous years is not to be insisted upon. The Court is surprised that such stand has been taken in the counter affidavit contrary to the mandate of the



judgment in case of **Ashok Kumar Sharma (supra)** and in total ignorance of provisions contained in State Litigation Policy, specifically clause 4(c)(i) thereof.

The Secretary (Resources) Finance Department, Govt. Of Bihar, Patna (Respondent no.3) is therefore directed to consider petitioner's claim for regularization since he has been working on daily wage since 1988 in light of law laid down in case of **Ashok Kumar Sharma and others (supra)** and keeping in view their own State Litigation Policy which mandates that covered matters should be settled upon the representation of the daily wage employee. The provision of covered matters has been made in the State Litigation Policy in furtherance of the decision of the Government that the Department would be acting as "efficient litigant".

Let the claim of the petitioner be considered by respondent no.3 within a period of three months from the date of receipt of a copy of this order along with the representation with respect to petitioner's claim which would be filed by him within four weeks from today.

Writ petition stands disposed of.

Shashi

U			
---	--	--	--

(**Madhuresh Prasad, J**)

