

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6846 of 2015

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Puran Sah, Son of Late Gulabi Sah, Resident of village- Phullidumar, P.S.-
Phullidumar, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Banka.
3. Mr Pathak, Head Clerk-cum-Steno Peskar of the District Magistrate, Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Dhananjay Kr Pandey & Bipin Kr Jha,
Advocates

For the State : Mr Chandra Shekhar Singh, AC to GA X

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 21-03-2018

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

2 The petitioner has challenged the order dated
31.07.2013 of the District Magistrate, Banka rejecting his
representation/claim for being appointed by way of regularization on
Class IV post in the Collectorate and its attached offices/regional
offices situate within the district of Banka. The said representation
seems to have been filed pursuant to the order dated 30.01.2012
passed in *CWJC No 6704 of 2005*, earlier filed by the petitioner. By
the said order, this Court had directed the Collector, Banka to draw
panel of candidate peon in light of the relevant Government



instructions and to consider the case of the eligible candidates in terms thereof. The petitioner's claim has been rejected by the Collector, Banka by the impugned order by assigning the reason that he has been engaged on daily wages without any order of the competent authority and much after the cut off date. In this connection, the order of the Collector has considered the fact that in terms of the earlier Resolution of 1993, such daily wages employees, who have been engaged up to 01.08.1985 were to be considered for regularization. Subsequently, in terms of Circular dated 10.05.2005 bearing No 489, the cut off date has been modified to 11.12.1990. Thus, only those persons, who have been engaged on daily wages and have been working since prior to the said cut off date that is 11.12.1990, were to be considered for promotion on fulfilling the other conditions stipulated in the Government instructions.

3 Petitioner has placed on record his experience certificate (Annexure-2 (c)). The same shows that in the year 1994, the petitioner has been engaged on daily wages. From the pleadings made in the writ petition and on consideration of the said pleadings, this Court finds that petitioner's engagement on daily wages was much beyond the said cut off date and even his said engagement seems to have been made at the level of the Block office. Thus, the reasons assigned in the impugned order dated 31.07.2013 that the



petitioner was not entitled for being considered for appointment by way of regularization in view of the fact that his engagement was by an incompetent authority and was much after the cut off date seems to be fully justified.

4 No case is made out for interfering with the said order dated 31.07.2013. The writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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