

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20518 of 2016

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Brij Kishore Tiwary, Son of Late Rajdeo Tiwary, resident of village - Gonauli, P.O. Champapur Gonauli, District - West Champaran At Present Resident of Narainapur, Ward No. 6, P.O. Naraipur, Bagha, West Champaran

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur
4. The Collector, West Champaran, Bettiah
5. The Sub Divisional Officer, Bagha, West Champaran

.... Respondents

with

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Civil Writ Jurisdiction Case No. 20587 of 2016

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Shambhu Prasad Sah Son of Late Ram Das Resident of Village-Narainapur, Near Vyapar Mandal, Ward No. 5, P.O. Naraipur, P.S. Bagha, District-West Champaran

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur
4. The Collector, West Champaran, Bettiah
5. The Sub Divisional Officer, Bagha, West Champaran
6. The Anchaladhikari, Bagha Anchal-II, Bagha, West Champaran

.... Respondents

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Appearance :

(In CWJC No.20518 of 2016)

For the Petitioner/s : Mr. K.K.Tiwary, Adv.

For the Respondent/s : Mr. Manish Kumar, GP4

(In CWJC No.20587 of 2016)

For the Petitioner/s : Mr. K.K.Tiwary, Adv.

For the Respondent/s : Mr. Mrigendra Kumar, AC to GA4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 01-02-2018

Heard Mr. K.K.Tiwary, learned counsel appearing for the
petitioners in the two writ petitions, Mr. Manish Kumar, learned GP-4



for the State in C.W.J.C.No. 20518/2016 and Mr. Mrigendra Kumar, learned AG to GA-4 for the State in the second writ petition.

The petitioners in the two writ petitions pray for issuance of a writ in the nature of mandamus to command the respondents for their empanelment for the purpose of appointment on a Group-D post by way of regularization in the district of West Champaran.

While the petitioner Brij Kishore Tiwary has worked on daily wages from 10.4.1991 to 1996, the petitioner in the other writ petition Shambhu Prasad Sah claims to have worked on daily wages from 1.6.1994 to 14.1.1999. Their claim for regularization has been rejected inter alia on grounds that they fail on the age prescription having been found over aged.

While Mr. Tiwary, learned counsel appearing for the petitioners, has invited the attention of this Court to an order of the Co-ordinate Bench passed in C.W.J.C.No. 23304/2012 (**Md. Muslim & ors. v. the State of Bihar & ors.**), a copy of which is enclosed at Annexure P/5, to submit that these two petitioners whose name appeared at serial nos. 50 and 48 respectively had approached this Court alongwith some others for regularization and the writ petition was disposed of in terms of the judgment and order passed by this Court in C.W.J.C.No. 15078/2012 (**Ramlakshan Singh & ors. v. the State of Bihar & ors.**) and C.W.J.C.No. 9420/2012 (**Chandan**



Kumar Jha v. the State of Bihar & ors.), the arguments for regularization have been contested by the learned counsel for the State in relying upon the same very order to submit that while the case of these petitioners was disposed of in terms of the orders passed in the case of Ramlakshan Singh and Chandan Kumar Jha (supra), the judgment of the Writ Court in the case of Ramlakshan Singh (supra) is enclosed at Annexure-H to the counter affidavit filed in C.W.J.C.No. 20518/2016 and paragraph-11 of the judgment would bring to end the contest for it clearly holds that such of the daily wagers, who were employed after 11.12.1990, were not entitled to age relaxation. It is, thus, the submission that since these two petitioners admittedly were engaged after 11.12.1990, their cases were not covered by the circular for grant of age relaxation and it is on this ground that their plea of regularization has been rejected.

It is submitted and not contested that this judgment has attained its finality and since the claim of the petitioners was disposed of vide Annexure P/5 in reference to the judgment at Annexure-H, the grievance raised is unsustainable.

Having heard learned counsel for the parties and in the circumstances taken note of where these petitioners are admittedly daily wagers employed after 11.12.1990, in view of the opinion recorded by the Bench at paragraph-11 of the judgment at Annexure-



H, which has been relied upon by a Co-ordinate Bench while disposing of the writ petition filed by these petitioners at Annexure P/5, the rejection of the claim of the petitioners on age ground would suffer no infirmity and the two writ petitions are accordingly disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2018
Transmission Date	NA

