

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1827 of 2019

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Md. Farooque Hussain, S/o Md. Mahfooz Hussain, resident of Village-Bari,
Dhaka, P.O- Dhakamore, P.S-Banka, Telia District-Banka-813103

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Govt. of Bihar, Patna
2. Principal Secretary, Home Department, Govt. of Bihar, Patna
3. Secretary, Home (Prison), Govt. of Bihar, Patna
4. The Inspector General of Prison and Correctional Services, Govt. of Bihar, Patna
5. The Superintendent, Central Jail, Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Siddhartha Prasad, Adv Mr. Sunit Kumar, Adv Mr. Om Prakash Kumar
For the Respondent/s	:	Mr. Manish Kumar (GP-4) Mr. Ravi Verma, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 04-02-2019

The petitioner, who is a Dresser and whose job is to assist the medical officers in jail, is aggrieved by the fact that despite his having applied against the advertisement dated 17.08.2015 issued by the Inspectorate of Prison and Correctional Services, Home Department, Government of Bihar, he has not been selected for being taken in regular service.

2. The petitioner was appointed as a Dresser on daily wage basis way back in the year 2004. Some of the



daily wagers in jails were considered for appointment on regular basis as a one time measure. Later, the State Government in the Home Department also framed rules under Article 309 of the Constitution of India viz. Bihar Jails Nai and Safai Mazdoor Cadre Rules, 2011. The aforesaid cadre rules of 2011 was further amended in the year 2014, extending the application of the rules to all other daily wagers who were serving the jails in different capacity and who were willing to forgo their claims to be regularized against the post on which they were working.

3. After the aforesaid amendment in the cadre rules of 2011, in 2014, an advertisement was issued on 17.08.2015 for one time appointment of daily wagers/casual employees working in any capacity in different jails but only on or before 11.12.2006. It was in this category that the petitioner applied for being absorbed/regularized in service.

4. It has further been submitted that petitioner had also filed an affidavit that he shall not stake any claim on the post of Dresser on which he was working since 2004.

5. The learned counsel for the petitioner has



submitted that even though the name of the petitioner finds place in the list prepared by the Screening Committee of Banka jail, he has not been considered for being appointed/regularized.

6. The learned counsel for the petitioner has drawn the attention of this Court to various such instances where the appointment was given to such daily wagers/casual employees who had approached this Court by way of filing writ petition or contempt petitions. Several representations also were filed by the petitioner but to no avail.

7. Under similar circumstances, it has been urged, Mr. Jawed Hossain and others had approached this Court vide C.W.J.C. No. 724 of 2017 for a direction to the respondent authorities to regularize/appoint them against regular post in view of the cadre rules of 2011 amended in 2014, which prayer was allowed and the respondents therein were directed to take the recommendation of the petitioners therein to its logical conclusion within a stipulated frame of time.



8. The learned counsel for the petitioner submits that this case is squarely covered by the judgment and order dated 06.09.2017 passed in C.W.J.C. No. 724 of 2017.

9. If the aforesaid fact is found to be correct, the petitioner also need be accorded the similar privilege.

10. In order to facilitate the entire process, the petitioner is directed to make a representation before the Inspector General of Prison/respondent No. 4 within a period of four weeks from today along with a copy of this order and on receipt of such representation, the Inspector General of Prison/respondent No. 4 shall dispose it off in the light of what has been stated above, within a period of eight weeks thereafter.

11. With the aforesaid direction/observation, the writ petition is disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06/02/2019
Transmission Date	NA

