

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2338 of 2019

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Vikash Sharma, Male-43 years, Son of Ramnandan Thakur, R/o Vill- Sarari,
Police Station- Naubatpur in the district of Patna.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Mr. Manish Kumar (GP-4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 15-02-2019

The petitioner, who is serving as a Contingent Menial in one of the jails in the State of Bihar, has approached this Court for a direction to the respondent authorities to regularize his services as he has rendered service for a very long time and there has been a resolution of the Government for giving such Contingent Menials, a one



time opportunity for regularization of their services.

2. In pursuance of the aforesaid resolution, an advertisement, inviting application for regular employment from such Contingent Menials was also issued in the year 2015 against which, the petitioner has applied. It is the case of the petitioner that he has all the qualifications, viz., his having passed 8th Class and at the time of induction as a Contingent Menial, he was above 18 years of age. However, despite the petitioner having applied and being qualified for being considered for regular appointment, no such order has been passed by the concerned respondent. It has further been submitted that some other Contingent Menials, who too were sailing in the same boat, had come to this Court, whereafter, strengthened by the direction given by some of the Benches of this Court, they were regularized.

3. This, in the opinion of this Court, would not create any precedent as those cited examples are instances of litigious appointments.

4. In any view of the matter, since the petitioner had applied against an advertisement of 2015, this



Court deems it appropriate to direct him to make a representation before the Inspector General, Prisons, Govt. of Bihar, Patna (respondent No. 3), detailing his claim for being considered for appointment against vacant posts within a period of four weeks from today. On receipt of such representation, the relevant facts shall be ascertained and, thereafter, the representation shall be disposed off by a reasoned order preferably within a period of six weeks thereafter.

5. With the aforesaid direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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