

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2400 of 2016

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Md. Sultan S/o Nathuni Mian, Resident of Pakadia, P.S. - Harsiddhi, District -
East Champaran

... .. **Petitioner**

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The District Magistrate, West Champaran.
4. The Superintending Engineer, Rural Works Circle, West Champaran at Bettiah.
5. The Executive Engineer, Rural Works Division, District - West Champaran.

... .. **Respondents**

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Appearance :

For the Petitioner	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Mr. Raj Ballabh Prasad Yadav, AAG 11

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-02-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

Petitioner claims to be working in the office of the Executive Engineer, Rural Works Division, Bettiah as a Jeep driver since 1984. He has approached this Court with prayer that his current status as daily wages employee be regularized and respondents be directed that he should be made a permanent staff of the organization by regularizing his service.

Respondents have placed on record gazette notification dated 30.11.2005 issued by the Personnel and Administrative Reforms Department, Government of Bihar. Said gazette notification provides for appointment and service condition of vehicle drivers.

On going through the same, learned counsel for the



petitioner submits that since he is discharging the duty of Jeep driver since long, petitioner is entitled to weightage as contemplated under Clause (5) of the Bihar Vehicle Driver (Appointment and Service Condition) Regulation, 2005.

Such weightage as contemplated under Clause (5) of the Regulation, 2005 can only be granted to the petitioner when appointments are made in future. At the moment, there is nothing on the record to suggest that appointment of Jeep driver is being done in the establishment.

In view of the aforesaid position, writ petition is disposed of.

However, it is observed that it would be open for the petitioner to assert for benefits due to him under the Regulation, 2005 in case appointment process is undertaken in future as taken note of herein above.

(Madhuresh Prasad, J)

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