

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 5752 of 2016

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1. Naresh Prasad, Son of Sri Tetar Sao, Resident of Mohalla - Rampur, Gaya, Police Station - Rampur, District- Gaya.
 2. Ghanshyam Yadav, Son of Late Dhanu Yadav, Resident of Village - Dobhi, Police Station - Dobhi, District - Gaya.
 3. Subhash Chandra Bose, Son of Faujdari Singh, Resident of Village - Kewai, Post - Khodaganj, Police Station - Islampur, District- Nalanda.
 4. Mithilesh Prasad, Son of Faujdari Singh, Resident of Village - Kewai, Post - Khodaganj, Police Station - Islampur, District - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, General Administration Department, Bihar, Patna.
3. The Principal Secretary, Rural Development Department, Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Gaya.
6. The Deputy Development Commissioner, Gaya.
7. The Block Development Officer, Khizersarai, Gaya.
8. The Block Development Officer, Bodh Gaya, Gaya.
9. The Block Development Officer, Wazirganj.

... .. Respondent/s

For the Petitioner/s	:	M/s Bindhyachal Singh, Umesh Kr, Advocates
For the Respondent/s	:	Mr Ravish Chandra, AC to SC VI

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 21-11-2019

Heard learned counsel for the petitioners and the respondents-State.

2 Petitioners' claim for regularization has been rejected by the Deputy Development Commissioner, Gaya under order dated 19.09.2015. The same is assailed in the instant proceedings.



Petitioners have also claimed payment of remunerations for some years after issuing their absentee details as they have worked by order of the competent Authority. Claim of regularization was required to be considered under order of this Court on the petitioners' earlier writ proceedings in CWJC No 536 of 2012. Accordingly, the order dated 19.09.2015 has been issued rejecting the claim. The reason assigned are that petitioners were never working against the sanctioned post. It is further submitted that the petitioners' engagement on daily wages was not by the competent Authority and not pursuant to any Advertisement or after preparation of panel. On account of such infirmities, petitioners have not been found entitled for regularization.

3 Learned counsel for the petitioners submits that one other similarly situated as the petitioner is being continued on daily wages as Jeep Driver in the Circle Office.

4 If it is required, it is open to the Authorities to engage persons on daily wages having regard to the requirements in this regard. Rejection of the petitioners' claim is not assailed on any ground other than the fact that the petitioners have continued for many years, in this case about 14 years at the time of the order dated 07.02.2012 passed on the petitioners' earlier writ petition. Since the petitioners were not selected by a procedure observing



requirements of Articles 14 and 16 of the Constitution and their engagement was not on a sanctioned post and by an incompetent Authority, petitioners cannot claim any right of regularization. The claim of the petitioners for regularization is untenable in the eyes of law.

5 As regards claim for salary, no details of claim for remuneration has been specified in the writ proceedings.

6 For the alleged outstanding remunerations, the petitioners would be at liberty to approach the competent Authority by filing their detailed representation.

7 Learned counsel for the petitioners submits that the petitioners would be applying if any vacancy arises in future.

8 Such a plea is based on a future eventuality which this Court is not inclined to comment on.

9 It will be open to the petitioners to submit their candidature for consideration in accordance with law as and when vacancies are advertised.

10 Writ petition stands dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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