

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 48 of 2012

1. RAM KISHORE THAKUR, Son Of Late Raghu Nandan Thakur Resident Of Village-Karwan, Police Station-Ara Muffasil, District-Bhojpur
2. Markandey Singh Son Of Late Radhika Singh Resident Of Village-Karap, Police Station-Udwant Nagar, District-Bhojpur
3. Dina Nath Singh Son Of Late Sarju Prasad Singh Resident Of Village-Kitapur, Police Station-Jagdishpur, District-Bhojpur
4. Hirdya Nand Prasad Son Of Guna Bhagat Resident Of Village-Ratanpur, Police Station-Ara Muffasil, District-Bhojpur
5. Shrawan Kumar Singh Son Of Late Suraj Prasad Singh Resident Of Village-Sangam Tola, Police Station-Jagdishpur, District-Bhojpur
6. Ahmad Ali Son Of Malud Ali Resident Of Village-Basauna, Police Station-Dhangai, District-Bhojpur
7. Yogendra Prasad Son Of Late Sukun Thakur Resident Of Village-Ratanpur, Police Station Ara, Muffasil, District-Bhojpur
8. Baban Ram Son Of Ghasetu Ram Resident Of Village-Raniagar, Police Station-Sahpur, District-Bhojpur
9. Gopal Prasad Son Of Late Ram Nath Thakur Resident Of Village-Rtanpur, Police Station-Ara Mufasil, District-Bhojpur
10. Hirdaya Narain Jha Son Of Late Gajanand Jha Resident Of Village-Sahpur, Police Station-Singhwara, District-Darbhanga
11. Ramjit Singh Son Of Late Ram Nagina Singh Resident Of Village-Haranhi, Police Station-Jagdishpur, District-Bhojpur
12. Madan Rai Son Of Late Sita Ram Rai Resident Of Village-Taregana, Police Station-Bihta, District-Patna
13. Bashish Singh Son Of Krishna Singh Resident Of Village-Dariyapur, Police Station-Udwant Nagar, District-Bhojpur
14. Khaderan Singh Son Of Late Sheo Pujan Singh Resident Of Village-Bahawar, Police Station-Piro, District-Bhojpur
15. Kasu Nath Singh Son Of Late Chandrika Singh Resident Of Village-Banawar, Police Station-Piro, District-Bhojpur
16. Ram Lal Ram Son Of Kauleshwar Rai Resident Of Village-Kardah, Police Station-Behia, District-Bhojpur
17. Krishna Bihari Sharma Son Of Late Gurudin Sharma Resident Of Village-Sarangpur, Police Station-Ara Mufassil, District-Bhojpur
18. Amir Hassan Son Of Ajamal Hassan Resident Of Village-Ram Shahar, Police Station-Barahara, District-Bhojpur
19. Virendra Kumar Singh Son Of Late Ram Prakash Singh Resident Of Village-Ram Shahar, Police Station-Barahara, District-Bhojpur
20. Barakata Hussain Son Of Abdul Hussain Resident Of Village-Ram Shankar, Police Station-Barahara, District-Bhojpur



21. Baj Rangi Thakur Son Of Late Kalicharan Thakur Resident Of Village-Mutukpur, Police Station-Barahara, District-Bhojpur
22. Ripu Sudan Singh Son Of Ram Prakash Singh Resident Of Village-Moyapkala, Police Station-Emadpur, District-Bhojpur
23. Lalan Tiwary Son Of Late Haribansh Tiwary Resident Of Village-Durgapur, Police Station-Nokha, District-Rohtas
24. Ram Nath Tiwary Son Of Satya Narayan Tiwary Resident Of Village-Chandawa, Police Station-Nawada Ara, District-Bhojpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary-Cum-Commissioner, Department Of Finance, Government Of Bihar, Patna
3. The Principal Secretary To The Government, Water Resource Development, Government Of Bihar, Patna
4. The Special Secretary, Department Of Water Resource Development, Government Of Bihar, Patna
5. The Director, Revenue Administration, Water Resource Development Department, Government Of Bihar, Patna
6. The Deputy Collector Soan Canal, Revenue Division, Ara
7. The Deputy Collector Canal Revenue Division, Buxar
8. The Deputy Collector Canal Revenue Division, Mohania
9. The Deputy Collector Canal Revenue Division, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Rajeeva Roy, Makardhwaj Upadhyay, Advs
For the Respondent/s : Mr.Abhay Shankar Jha Sc14

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 18-11-2019

Heard Mr Rajeeva Roy for the petitioners and the
learned State Counsel.



2 The petitioners were engaged from time to time to work when the irrigation was required and available through Canal Irrigation System for some time. The admitted position is that prior to the writ petition, even their seasonal status ceased to exist. The claim of the petitioners in that background was disposed of on 21.02.2012 passed in the instant proceedings so as to enable consideration of their claim for absorption in light of a policy decision dated 29.06.2011 and the order passed in CWJC No 11798 of 2011.

3 The State did not want to consider the petitioners' claim for absorption as the petitioners were not covered by said decision of this Court based on the fact that the policy was based on the fact that the Dichloro Diphenyl Trichloroethane (for brevity, DDT) Sprayers were recruited after due advertisement and they were continued year after year. In the circumstances, the Division Bench, in the proceedings arising out of Letters Patent Appeal (for brevity, *LPA*) No 1298 of 2014, set aside order dated 21.02.2012 passed by this Court earlier in the instant proceedings and remanded the matter for consideration in accordance with law after giving the State an opportunity to file a comprehensive counter affidavit.



4 Today, when the matter is taken up, an adjournment is sought for bringing on record the current status as to how many petitioners still survive and whether any further substitution petition is required to be filed in the matter in view of the long pendency of the instant proceedings.

5 This Court has put a specific query to the learned counsel for the petitioners whether prayer for absorption is under any existing policy of the State Government to which it is submitted that the same is not based on any existing policy. The findings of the Division Bench in the order passed in LPA No 1298 of 2014 dated 06.01.2016 is that the petitioners were engaged from time to time during a period when the irrigation was available through Canal Irrigation System. It is only from time to time that they were asked to collect revenue and deposit it in the State revenue. It is also the case that they were not paid monthly remuneration because their engagement was not whole time nor fixed time. Such findings of the Division Bench have never been assailed by the petitioners in any proceeding and in view of such findings regarding the petitioners' existence, this Court does not find this case at par with DDT Sprayers. Further, the admitted position which emerges from the earlier order passed in the instant



proceedings is that even their seasonal status ceased to exist at least since 2012.

6 No enforceable claim for absorption/regularization, therefore, has been made out in the instant proceedings.

7 The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.11.2019
Transmission Date	NA

