

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16599 of 2011

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1. Nagendra Sharan Sahay and ORS S/O Late Panchdeo Sahay R/O Village and P.O.- Madhopur Ram, P.S.- Lalganj, District- Vaishali
 2. Rana Prasad S/O Kripa Shankar Lal R/O Village- Polodehri, P.S.- Chourhi, District- Bhojpur At Arrah
 3. Navin Kumar Nidhi S/O Sri Damodar Nidhi R/O Village and P.O.- Rohar, Via - Benipur, P.S.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Building Construction Department, Government Of Bihar, Patna
2. The Joint Secretary Building Construction Department, Government Of Bihar, Patna
3. The Engineer In Chief Public Health and Engineering Department, Govt. Of Bihar, Patna
4. The Chief Engineer, Public Health and Engineering Department, Govt. Of Bihar, Patna
5. The Principal Secretary Public Health and Engineering Department, Govt. Of Bihar, Patna
6. The Secretary Department Of Health, Medical Education And Family Welfare, Government Of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ratan Kumar Sinha
For the Respondent/s : Mr.Asif Kalim, AC to AAG 12

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-09-2019 Heard counsel for the petitioners and counsel for the respondents-State.

Counsel for the petitioners submits that order passed by three men committee is not in accordance with law because it does not consider the effect that the petitioners had served more than ten years. In the case of similarly situated person, Upendra



Prasad in CWJC No. 14625/2001 authorities had considered to continue him whereas claim for regularization of the petitioners has been rejected by order dated 15.11.2010 by three men committee.

Earlier petitioners approached this court. Writ petition of the petitioners bearing CWJC No. 16017/2001 was heard along with various other cases and the Division Bench of this court had disposed of entire batch of writ petitions including petitioners taking note of the decision of the apex court in the case of Secretary, State of Karnataka & ors v. Uma Devi & ors. Consideration of the petitioners' claim for regularization was to be in light of the aforesaid decision of apex court.

The committee has examined the matter. Petitioners have not produced any document to show their engagement on daily wages before the committee nor there is anything on record to show their appointment is against sanctioned post. Considering the aforesaid facts pursuant to which in light of decision of the apex court in the case of Uma Devi (supra), committee has rejected petitioners' claim for regularization.

It is submitted by counsel for the petitioners that as regards similarly situated person Upendra Prasad, his claim for regularization was not recommended to three men committee by



the High Court in his case.

The said submission cannot be considered by this court as the petitioners' claim for regularization has already been recommended to the committee by the Division Bench in batch cases vide order dated 13.07.2006. In compliance of the said order, petitioners also appeared before the committee, and subjected themselves to the jurisdiction of the committee without any objection. In respect of regularization findings of three men committee require no interference in light of consideration hereinabove.

Other submission advanced by counsel for the petitioners is that some dues on account of work rendered by the petitioners remain outstanding.

Petitioners would be at liberty to approach the authorities along with statements of claim in support of the same.

Writ petition is dismissed with liberty as aforesaid.

(Madhuresh Prasad, J)

s.hassan/-

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