

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15030 of 2011**

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LAKSHMAN SINGH S/O Late Gurucharan Singh R/O Vill.- Bankerwa, P.S.-  
Parsa, Distt.- Saran

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum- Special Secretary,  
Department of Personnel and Administrative Reforms Govt., of Bihar, New  
Secretariat, Patna
2. The Commissioner-Cum-Special Secretary, Department of Personnel And  
Administrative Reforms Govt., of Bihar, New Secretariat, Patna
3. The Divisional Commissioner, Saran Division, Chapra
4. The Collector-Cum-District Magistrate, Saran At Chapra
5. The Deputy Collector Establishment , Chapra
6. The Sub-Divisional Officer, Chapra
7. The Anchal Adhikari, Parsa, Anchal, Distt.- Saran

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Umeshanand Pandit  
For the Respondent/s : Mr.Ashok Kumar Keshri Aag11

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

6      02-09-2019                      Heard counsel for the petitioner and counsel for the  
respondents-State.

Petitioner being jeep driver (daily wages) has filed the writ petition assailing the order of the District Magistrate, Saran refusing petitioner's claim for regularization. Decision has been taken on a representation filed by the petitioner pursuant to liberty granted to the petitioner for filing representation in his earlier writ petition bearing CWJC no. 19730/2010.

The District Magistrate has considered the effect of



Bihar Drivers (Appointment and Service Conditions) Rules, 2005 which had come into existence much before earlier writ petition. Petition was disposed of with liberty.

In the said 2005 Rule appointment is to be done by way of direct recruitment on the recommendation of the Commission. District Magistrate is no longer a competent authority for making appointment for the post of jeep driver.

Counter affidavit discloses that admissible dues amounting to Rs 71,136/- on account of arrear of wages for the period of daily wages service rendered by the petitioner has been paid to the petitioner.

In view of the fact that the District Magistrate is no longer a competent authority for making appointment for the post of jeep driver, petitioner's claim for direction that his service should be regularized is not tenable in the eye of law.

When the process of selection is undertaken under 2005 Rules, petitioner would be at liberty to participate subject to fulfillment of all conditions under rules.

Writ petition is dismissed.

s.hassan/-

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**(Madhuresh Prasad, J)**

