

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17040 of 2019

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Rajkumari Devi Wife of Kamdeo Das resident of Mohalla- Mohadinagar,
P.S.- Mozahidpur, District- Bhagalpur, at present working as a Sweeper in the
office of the Sub- Divisional Officer, Sadar, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Regional Director, Agriculture Marketing Board, Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Sub- Divisional Officer, Sadar, Bhagalpur.
5. The Deputy Collector, Establishment, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tripurari Nath Amastha
For the Respondent/s : Mr. Manish Kumar (GP-4)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

- 2 17-10-2019 The petitioner is seeking a direction to the Sub-Divisional Officer, Sadar, Bhagalpur to regularize her services of Sweeper on the basis that she has worked on daily wage basis against a sanctioned and vacant post of Sweeper since 2005. It has been stated in paragraph 11 of the writ application that the petitioner was appointed after following selection procedure. The order relating to first engagement of the petitioner has been brought on record by way of Annexure-2 to the writ application. No copy of the advertisement or any notice has been brought on record in order to satisfy the Court that there was any selection procedure adopted for appointment against the said post. On reading of Annexure-2, I find that it does not mention any selection procedure adopted for filling up the post of



Sweeper. The petitioner was asked to discharge the work of Sweeper on daily wage basis as service of one Ushrafi Harizan against the said post was not found satisfactory and accordingly he was removed.

2. In such circumstance, the Court cannot direct the respondents to regularize the services of the petitioner.

3. Learned counsel appearing on behalf of the petitioner has vehemently argued that since the post is sanctioned and still vacant, the respondents should absorb the services of the petitioner against that post.

4. In the facts and circumstances of the case, I dispose of the writ application with a direction that let the said post of Sweeper be filled up on regular basis by adopting a due selection procedure.

5. It will be open for the respondents to give some weightage in the process of selection in favour of the petitioner, if it is found that she has been working since long time.

6. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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