

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16361 of 2016

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Dhirendra Kumar Gupta son of Late Mahabir Prasad Sah Resident of Village
and P.O.- Safiyabad, P.S.- Naya Ram Nagar, District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Water Resources Department, Government of Bihar,
Patna.
3. The Engineer-in-Chief-cum-Additional Secretary, Water Resources
Department, Government of Bihar, Pa
4. The Chief Engineer Irrigation Creation, Water Resources Department,
Bhagalpur.
5. The Superintending Engineer, Water Resources Department, Irrigation Circle,
Kharagpur, District- Mu
6. The Executive Engineer, Water Resources Department, Ganga Pump Canal
Division, Suryagarha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Respondent/s : Mr.Akash Chaturvedi, AC to SC 11

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 20-02-2019

The petitioner's claim for regularization has not been considered in view of certain allegations which were made against some earlier Chief Engineer of the Department that he had recommended the petitioner's claim for absorption although he was not entitled for such benefit. Such matter is extraneous to the scope of the Resolution dated 16.03.2006 bearing no. 639 wherein the claim of the petitioner was required to be considered on the parameters laid down in the said Resolution. That has not been done by the impugned office order dated 12.09.2016. The matter is therefore, remitted to the respondent



no. 4 to consider the petitioner's claim in light of the policy decision of the government dated 16.03.2006 under memo no. 639. The claim of the petitioner is to be considered on various parameters laid down in the said policy of the State Government and any extraneous considerations are not to be looked into while considering the petitioner's claim for regularization.

Let a detailed consideration be done having regard to his past service on daily wages in terms of the said Resolution dated 16.03.2006, by the respondent no. 4. While doing so the office order dated 12.09.2016 issued by the Chief Engineer Irrigation Creation in the Water Resources Department shall not in the way of the petitioner's claim. Let the claim be considered by the respondent no. 4 within three months from the date of receipt /production of a copy of this order.

Writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

