

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.603 of 2017

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1. Sudarshan Ram son of Late Bidhnath Ram, Resident of village - Matkotta, P.O. and P.S. - Yogapatti, District - West Champaran.
 2. Vinod Raut son of Daya Raut, Resident of village & P.O. Machargawa, Police Station - Yagopatti, District - West Champaran.
 3. Subash Baitha son of Late Jhulu Baitha, Resident of village - Darwalia Mishrouli, P.O. and P.S. Yogapatti, District - West Champaran.
 4. Adiya Sharma son of Sri Kishun Sharma, Resident of village - Basopatti, P.O. Purana, P.S. Sanichari, District - West Champaran.
 5. Shikandar Ram son of Babu Lal Ram, Resident of village - Belbanawa, P.O. and P.S. Yogapatti, District - West Champaran.
 6. Lallan Sah son of Late Bishun Sah, Resident of village + P.O. Bhawanipur, Police Station - Srinagar Pujaha, District - West Champaran.
 7. Shailendra Dubey son of Late Binod Dubey, Resident of village - Hathia, P.O. Machargawa, P.S. - Yogapatti, District - West Champaran.
 8. Prabhu Ram son of Chokat Ram, Resident of village - Bhawanipur Bari Tola, P.O. Bhawanipur, P.S. Srinagar, District - West Champaran.
 9. Vikash Baitha son of Brij Mohan Baitha, Resident of village - Darwalia Mishrolli, P.O. and P.S. Yogapatti, District - West Champaran.
 10. Shekh Meraj son of Shekh Mansof, Resident of village - Khaptola Barwa Shekh, P.O. Belwa More, P.S. Lauriya, District - West Champaran.
 11. Rama Kant Ram son of Late Gorakh Ram, Resident of village - Bakari, P.O. Dumari Bazar, Police Station - Yogapatti, District - West Champaran.
 12. Rameshwar Hazara son of Late Briksha Hazara, Resident of village - Ahirolli, P.O. Dumari, P.S. Yogapatti, District - West Champaran.
 13. Amar Ram son of Late Baidhnath Ram, Resident of village - Matkotta, P.O. and P.S. - Yogapatti, District - West Champaran.
 14. Lal Babu Sah son of Late Bishun Sah, Resident of village & P.O. Bhawanipur, Police Station Srinagar, District - West Champaran.
 15. Saheb Jan Ansari son of Hassan Ansari, Resident of village - Basopatti, P.O. Purana, P.S. Sanichari, District - West Champaran.
 16. Aslam Khan son of Late Habib Khan, Resident of village - Piparapati, P.O. Bhawanipur, P.S. Yogapatti, District - West Champaran.



17. Akhtar Ansari son of Akbar Ansari, Resident of village - Basopatti, P.O.
Purana, P.S. Sanichari, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Principal Secretary, Water Resources Department, Sichai Bhawan,
Patna.
4. The Chief Engineer, Water Resources Department, Balmiki Nagar, District
- West Champaran.
5. The Superintending Engineer, Tirhut Canal Circle, Bettiah, West
Champaran.
6. The District Magistrate, Bettiah, West Champaran.
7. The Executive Engineer, Don Canal Division, Ramnagar, West
Champaran.
8. The Executive Engineer, Tirhut Canal Division, Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT & ORDER

Date : 08-01-2019

The petitioners, who are seventeen in number,
have approached this Court for a direction to the respondent
authorities for regularization of their services in permanent
establishment of the Government and be given consequential



benefits of such regularization.

2. The claims of the petitioners, as has been submitted on behalf of the State, have been rejected on the ground that they are not daily-wagers, but are seasonal employees and have worked for the organization only for 4 – 5 months in a year.

3. The aforesaid statement made on behalf of the State is being disputed by the learned counsel appearing for the petitioners, who submits that some of the petitioners are daily-wagers and in support of which they are ready to furnish documents, suggesting that they are serving for the last more than ten years on muster roll and are being paid for the same as well.

4. The petitioners have also tried to canvass before this Court that earlier also, a Bench of this Court in C.W.J.C. No. 6805 of 2014 had permitted the petitioners therein to approach the authorities concerned for consideration of their cases for regularization. It has further been submitted that the claims of the petitioners for regularization was never rejected by the respondent



authorities.

5. The law with regard to regularization has now been well settled in view of the decision in the case of ***Secretary, State of Karnataka and Ors. Vs. Umadevi (3) and Ors. [(2006) 4 SCC 1]*** and has further been clarified by the Full Bench of this Court in the case of ***Ram Sevak Yadav Vs. The State of Bihar and Ors.***, reported in ***2013 (1) PLJR 964.***

6. A daily-wager does not have any right of claiming regularization.

7. Be that as it may, considering the status of the petitioners and the fact that some of the similarly situated persons, who were working as daily-wagers, have been regularized by the respondent authorities, this Court can only direct the petitioners to make a representation before the concerned authority, who, after checking up the records, would be under an obligation to dispose of such representation within a reasonable period of time preferably within a period of six weeks from the date of representation by the petitioners. The representation in this regard be



positively filed within a period of four weeks from today.

8. With the aforesaid observation, the present writ petition is disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.01.2019
Transmission Date	N/A

