

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 18377 of 2011

SHYAM BABU THAKUR S/O Late Doman Thakur R/O Khajekala
Jhoparpatti, P.S.- Khajekala, Distt. Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Principal Secretary, Public Works Department (PWD), RCD, Bihar, Patna
2. The Engineer-In-Chief Of P.W.D. (Road Division), Bihar, Patna
3. The Chief Engineer, South Bihar (Mechanical) Division, P.W.D. (Road), Bihar, Patna
4. The Deputy Secretary (PRA KO), PWD, RCD, Bihar, Patna
5. The Under Secretary (Headquarters) P.W.D. (Road Division), Bihar, Patna

... .. Respondent/s

For the Petitioner/s : M/s Sanjay Kr, Amaresh Kr, Bijay Kr Pandey,
Advocates

For the Respondent/s : Mr Umesh Narayan Dubey, AC to GP XXVII

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 17-02-2020

Heard learned counsel for the petitioner and the respondent-State.

2 The claim of the petitioner, in the instant writ proceedings, is that he has wrongly been deprived of his entitlement for regularization. The order rejecting his claim is dated 08.12.2010 and the same is assailed in the instant proceedings.

3 The brief facts are that the details were sent for regularization of employees discharging their duties on daily wages in the Public Works Department. From bare perusal of the



details, that have been forwarded and which formed the basis of petitioner's claim for regularization, shows that the petitioner was only having 22 days of daily wages work to his credit. Accordingly, his claim for regularization has been rejected.

4 The learned counsel for the petitioner submits that subsequently, upon information being sought under Right to Information Act (for brevity *RTI Act*), the number of days shown to the petitioner's credit in daily wages has increased to 135 days.

5 The information sought under R T I Act is much later, i e, dated 24.01.2011 and there is no averment in the writ petition that the Authority was ever approached on the basis of this information obtained by the petitioner under RTI Act. The same was not a material before the Authority at the time of rejection of the petitioner's claim for regularization which was done on the basis of details wherein only 22 days of daily wages work has been shown to his credit.

6 The order dated 08.12.2010, therefore, does not require any interference. The writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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