

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.256 of 2019

1. Upendra Kumar son of Late Lakhan Prasad Yadav, resident of Village- Jaipalpatti Ward No. 15, Police Station District- Madhepura.
2. Tapeswar Yadav, Son of Late Kamleshwari Yadav, resident of Village- Barahi, Police Station District- Madhepura.
3. Binod Kumar Mandal, Son of Late Baldeo Mandal, resident of Village- Sadhua, Police Station District- Madhepura.
4. Pramod Kumar, Son of Sri Narayandeo Yadav resident of Village- Near Ganesh Mandir Temple, Police Station District- Madhepura.
5. Madhav Prasad Yadav, Son of Laxmi Prasad Yadav, resident of Village- Jajahar, Subaila, Police Station - Sigheshwar, District- Madhepura.
6. Md. Rabban, Son of Md. Gyasuddin, resident of Village- Gosai Tola, Police Station District- Madhepura.
7. Shiv Naryan Yadav @ Shiv Narayan Kumar, Son of Sri Rajendra Prasad Yadav, resident of Village- Tulsibari, Police Station District- Madhepura.
8. Manoj Kumar Rajak, Son of Sukhdeo Rajak, resident of Village- Maliya, Police Station District- Madhepura.
9. Shatrudhan Kumar, Son of Sri Jai Krishna Yadav, resident of Village- Tuniyahi, Police Station District- Madhepura.
10. Raben Kumar, Son of Sri Deo Narayan Yadav, resident of Village- Piprahi, Police Station District- Madhepura.
11. Chandan Kumar, Son of Late Basant Mandal, resident of Village- Majarhat, Police Station- Sigheshwar, District- Madhepura.
12. Gajendra Kumar, Son of Sri Fani Yadav, resident of Village- Nehalpatti, Police Station District- Madhepura.
13. Birendra Kumar Yadav, Son of Kamleshwari Prasad Yadav, resident of Village- Gahumani, Police Station - Sigheshwar, District- Madhepura.
14. Birendra Kumar Yadav, Son of Late Rameshwari Prasad Yadav, resident of Village- Tuniyahi, Police Station District- Madhepura.
15. Balram Kumar, son of Late Kamleshwari Prasad Yadav, resident of Village- Gahumani, Police Station- Sigheshwar, District- Madhepura.
16. Ramesh Yadav @ Ramesh Kumar, Son of Late Dharamlal Yadav, resident of Village- Rajpur, Police Station District- Madhepura.
17. Subhash Yadav , Son of Late Nunulal Yadav, resident of Village- Mathahi, Police Station District- Madhepura.
18. Dinesh Ram, Son of Late Siyaram Ram, resident of Village- Sahugad, Police Station District- Madhepura.
19. Pravin Kumar, Son of Bindeshwari Prasad Yadav, resident of Village- Sahugad, Police Station District- Madhepura.
20. Ravinda Yadav, Son of Late Bhagwat Prasad Yadav, resident of Village- Tuniyahi, Police Station District- Madhepura.



21. Pawan Kumar, Son of Sri Man Yadav, resident of Village- Belhaghat, Ward No. -1, Police Station District- Madhepura.
22. Nandkishor Ram, Son of Dourik Ram, resident of Village- Madhepura, Police Station District- Madhepura.
23. Abhinandan Kumar, Son of Mahendra Mandal, resident of Village- Majarahat, Police Station Sigheshwar, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, Madhepura.
4. The Deputy Collector, Nazarat, District- Madhepura.
5. The Deputy Collector Establishment, Madhepura. null null

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishor Singh
For the Respondent/s : Mr.Manish Kumar- GP-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 16-03-2021 The present writ petition has been filed by the petitioners for directing the respondents to consider their case for appointment on Class-IV post against the sanctioned and vacant post under the Madhepura Collectorate and its concerned offices.

The learned counsel for the petitioner has submitted that the petitioners were working as Daily Wage Class-IV employees in different offices under the District of Madhepura. Subsequently, a list of 106 Ummidwar Anusewak was published in the year 2000 which also included the name of the petitioners and the same was finalized by the District Establishment



Committee as well as the District Magistrate, Madhepura on 05.02.2001, however, no final appointments were made. Thereafter, in the year 2011 an advertisement was published by the Madhepura Collectorate for making appointments on Class-IV posts whereupon the petitioners and others had applied in the prescribed format, however, till date the process of selection and appointment has not been completed. It is thus submitted that the District Magistrate/Collector, Madhepura be directed to appoint the petitioners forthwith.

Per contra, the learned counsel for the respondent-State has submitted by referring to the advertisement published in the year 2011 (Annexure-2 to the writ petition) that the panel for the purposes of making appointments on Class-IV posts is required to be made in accordance with the resolution of the Personnel & Administrative Reforms Department dated 16.03.2006 and the said resolution dated 16.03.2006 prescribes the cut off date to be 11.12.1990, prior to which the Daily Wage employees should have worked for 240 days, however, in the present case, the petitioners herein do not fulfill the said criteria, hence they have not been considered for the purposes of appointment to the Class-IV post. It is further submitted that earlier also similarly situated Daily Wage employees had



approached this Court by filing a writ petition bearing CWJC No. 14510 of 2009, however, the same was dismissed by an order dated 16.11.2009 whereafter an appeal was filed before the learned Division Bench of this Court and the learned Division Bench, by an order dated 04.03.2010, had appointed a One Man Enquiry Committee to scrutinize the cases of the Daily Wagers in light of paragraph no. 53 of the judgment rendered in the case of Uma Devi. Thereafter the One Man Enquiry Committee had examined the claims of the Daily Wagers and had vide order dated 29.07.2011, directed the Collector, Madhepura to take steps for making permanent appointments as per the Rules/Circulars dated 03.12.1980 and the resolution dated 16.03.2006, whereafter the Collector, Madhepura had invited applications for preparation of panel for making appointment on the Class-IV posts, whereupon a total number of 10048 applications were received and according to the aforesaid resolution dated 16.03.2006, issued by the Department of Personnel & Administrative Reforms, the cut off date for consideration was fixed as 11.12.1990, prior to which the incumbent should have worked as Daily Wagers for a minimum of 240 days during the previous five years. However, since the petitioners had failed to fulfill the aforesaid criteria,



their applications were rejected. Thus, it is submitted that the petitioners do not have any case and the present writ petition is fit to be dismissed.

I have heard the learned counsel for the parties and perused the materials on record and I find that the petitioners have not been able to dispute the fact that they do not fulfill the criteria laid down in the resolution of the Personnel & Administrative Reforms dated 16.03.2006, which stipulates that the incumbent/applicants should have worked for a continuous period of 240 days per year during the previous five years, just prior to 11.12.1990, hence I find that the petitioners have rightly been declared to be ineligible for appointment in question, therefore, I do not find any merit in the present writ petition, accordingly, the same stands dismissed.

(Mohit Kumar Shah, J)

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