

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19731 of 2021

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Bhola Thakur Son of Rama Kant Thakur Resident of At and Post- Kharka
Basant, P.S.- Nanpur, Distt- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
4. The Chief Engineer (Mechanical), Public Health Engineering Department, Government of Bihar, Patna.
5. The Superintending Engineer, Public Health Engineering Circle (Mechanical), Muzaffarpur.
6. The Executive Engineer, Public Health Mechanical Division, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate
For the Respondent/s : Mr. U.P. Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 21-12-2021

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the
following reliefs:-

*“For issuance of a writ in the
nature of writ of mandamus or an
appropriate writ/writs, order/orders or
the direction/directions commanding the
respondents to regularize service of the
petitioner on the post of pump operator,
a group D post, after completion of 240
days in his service with all
consequential benefits with continuity in
service and arrear of back wages who*



was appointed on 04-08-1990 by the competent authority on the vacant post on daily wage basis and working continuously without any break in service with full satisfactions of the respondents authorities till date but he is compelled to serve the department only on daily wage basis in Kharka Gramin Water Supply Project under Public Health Engineering Division, Muzaffarpur as in case of other Similarly situated employees of the same department in the sane division their services have been regularized time to time but in case ct the petitioner the respondents are sitting tight over the matter the petitioner is legally entitled for his regularization in light of so many orders passed by the Hon'ble Apex Court in this regard And/or be pleased to pass such other order or orders which may be deemed fit and proper in the facts and circumstances of the case."

Petitioner is stated to have been appointed on 04.08.1990 on *ad hoc* basis to the post of Pump Operataor. For the purpose of regularization, he has submitted a representation dated 16.03.1990 (Annexure-10), the same is pending consideration.

It has been submitted that such of those persons who have been appointed on 11.12.1990 their names were required to be proposed for the purpose of regularization in terms of policy decision of the State. Perusal of Annexure-10, it is not detailed representation so as to apprise the competent authority, therefore, the petitioner is at liberty to file a fresh representation with



relevant statutory provision which provides statutory right to the petitioner for the purpose of regularization. He is also hereby directed to apprise Hon’ble Apex Court decision in the case of **Secy., State of Karnataka and Others vs. Uma Devi** reported in **(2006) 4 SCC 1** read with the Full Bench decision of this Court in the case of **Ram Sevak Yadav and Anr. vs. The State of Bihar and Ors.** reported in **2013(1) PLJR 964**. If such detailed representation is submitted by the petitioner within a period of ten weeks from today the concerned respondent is hereby directed to decide the petitioner’s detailed representation within a period of three months from the date of receipt of this order.

With the aforesaid observations, the present writ petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

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

