

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5834 of 2021

Arbind Mallik @ Arvind Mallik, Son of Turanti Mallik, Resident of Village-
Amarpur, P.O.- Bhagwanpur, Police Station- Sonbarsa Kachehari, District-
Saharsa, Presently Working as Mali (Gardener) in Kosi Inspection Bungalow,
Irrigation Division, Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary to the Government,
General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary to the Government, Water Resources Department,
Government of Bihar, Patna.
3. The Under Secretary to the Government, Water Resources Department
Government of Bihar, Patna.
4. The District Magistrate, Saharsa
5. The Deputy Collector (Establishment), Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate
For the Respondent/s : Mr. Harish Kumar, GP-8

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

Date : 04-02-2022

This matter is heard via video conferencing due to
circumstances prevailing on account of COVID-19 Pandemic.

2. State counsel accepts notice for respondents.

3. Learned counsel for the petitioner is hereby directed
to furnish a copy of the writ petition to the learned counsel for the
respondents.

4. Heard learned counsel for the parties.

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



“(i) For absorbing the petitioner in the 4th Grade cadre of the State of Bihar on the post of Gardener (Mali), on which post he has been working since long and on his application for regularization against the Advertisement No. O.C.-03/2006 he was selected and his name was included in the panel of the candidates to be absorbed/appointed.

(ii) For commanding the respondents to consider the case of the petitioner for appointment on class IV post of Gardener (Mali) from an appropriate date and pay him the salary including the arrears of salary at the rate admissible to the post on that particular date.

(iii) For holding that once the Department published advertisement inviting applications from the persons working in the collectorate or mufassil offices on casual/daily/temporary basis for empanelment of their names in order to regularize and absorb them in the regular service of the State of Bihar, the State after empanelling the persons including the petitioner cannot make them waiting perpetually when several class IV posts are lying vacant in the collectorate/mufassil offices of Saharsa district.

(iv) For grant of any such other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

6. In support of the aforesaid relief, the petitioner submitted representations on 24.06.2014 and 10.12.2015 (Annexures- 6 and 7).



7. Accordingly, the concerned respondent is hereby directed to examine the petitioner’s claim made in the representations and also judicial pronouncements relating to regularization and proceed to pass speaking order as to whether the petitioner is entitled to be absorbed or not?

8. In this regard speaking order shall be passed and communicate to the petitioner within a period of three months from the date of receipt of a copy of this order.

9. The writ petition stands disposed of.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2022
Transmission Date	NA

