

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8049 of 2021

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Shankar Yadav Son of Late Basudeo Yadav Permanent resident of village - Bidhanpur, Police Station- Bikramganj, District- Rohtas and at present resident of PION Quarter No. 28, R- Block - Railway Line, at the near of Old Secretariat, Police Station- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Board of Revenue, Bihar through its Secretary, Government of Bihar, Patna.
5. The Secretary, the Board of Revenue, Bihar, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Shekhar, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC 8
	:	Mr. Sailendra Kumar Singh
	:	Mr. Anil Kumar

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

Date : 14-02-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accepts notice for respondents.

3. Counsel for the petitioner is hereby directed to serve copy of the writ petition to the counsel for the State/respondents, if it is not already served.

4. In the instant petition, petitioner has prayed for the following relief/reliefs:



“i) To issue a Writ in the nature of mandamus commanding the respondent authorities to take decision on the applications / requests made by the petitioner for absorbing the petitioner on the post of driver as the petitioner is continuously discharging the duties and functions of driver continuously for more than two decades and consequent upon absorbing the petitioner on the post of driver, issuance of Writ in the nature of Mandamus commanding the respondents to pay him all monetary and other admissible benefits accrued to the petitioner by virtual of continuously discharging duties of driver for more than two decades.

ii) To issue a Writ in the nature of Mandamus commanding the respondents to pay the petitioner the pay scale as well monetary and other admissible benefits of driver to which the petitioner is entitled to as the petitioner is continuously discharging the duties and functions of driver continuously for more than two decades.

iii) To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.”

5. Short question for consideration in the present petition is whether petitioner is entitled to be regularized/absorbed on the post of driver or not? In this regard petitioner has submitted representation *vide* Annexure 10 series, therefore, the concerned respondent is hereby directed to examine the petitioner's representations read with judicial pronouncements, if any, on the absorption and proceed to consider in accordance with law. If the petitioner is not entitled to be regularized, the concerned respondent is hereby directed to pass a speaking order. If he is entitled, in that event, service and monetary benefits shall be extended in accordance with law. The above exercise shall be



completed within a period of three months from the date of receipt of this order.

Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

