

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6493 of 2021

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1. Amarjit Kumar Son of Late Sahdeo Paswan Resident of Village Koyori Bigha, P.S. Parwalpur, District- Nalanda.
 2. Santosh Kumar Chaudhary Son of Sri Kishun Chaudhary Resident of Kogzi Muhalla, Turhatoli, P.S. Town (Siwan), District- Siwan.
 3. Vijay Kumar Paswan Son of Late Ram Bharat Paswan Resident of Sheikhpura, P.O.- Karubigha, via- Rajgir, P.S.- Neem Chak, Bathani, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Officer on Special Duty, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Director (Administration), Urban Development and Housing Department, Government of Bihar, Patna.
4. The Siwan Nagar Parishad through Executive Officer, Siwan.
5. The Executive Officer, Siwan Nagar Parishad, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar, Advocate
For the Respondent/s : Mr.Lalit Kishore, (AG)

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

Date : 07-02-2022

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. In the instant petition, petitioners have prayed for the following reliefs:-

“(i) For holding and declaring that the petitioners shall be deemed to be regular appointee on the Class-III post of clerk from the date of their initial appointment in Nagar Parishad, Siwan.



(ii) For a direction on the respondents to grant regular pay scale of Rs. 5200-20,000 grade pay 1900/- on the post of clerk in accordance with law, contrary to the lump-sum payment of Rs. 6000/- per month being made to them continuing to treat their appointment as contractual.

Or,

In the alternative for a direction on the respondents to absorb/regularize the services of the petitioners on the post of clerk in Nagar Parishad, Siwan with all consequential benefits.

(iii) For any other relief/ reliefs to which petitioners are found entitled in the facts and circumstances of the case.”

4. In support of the aforesaid reliefs, petitioners had submitted representations on 29.01.2018 and 18.05.2020 respectively.

5. The concerned authority is hereby directed to examine the petitioners’ representation read with the cited decisions of this Court and proceed to pass speaking order as to whether petitioners are entitled to regularization. If they are entitled for regularization, speaking order shall be passed in extending benefits. If they are not entitled, in that event, necessary speaking order shall be passed and communicated to the petitioners. The above exercise shall be completed within a period of four months from the date of receipt of this order.

6. With the above observations, writ petition stands disposed off.

7. Petitioners counsel intends to rely on some more documents, if it is so petitioners are permitted to file additional representation in support of their claims furnishing additional documents within a period of eight weeks from today. The



concerned authority is hereby directed to consider additional representation to be submitted.

(P. B. Bajanthri, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

