

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20165 of 2018

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Jyotish Kumar Singh, Son of Late Gunshwar Prasad Singh, Resident of
Village- Bhikhana, P.S.- Rupauli, District- Purniya.

... .. Petitioner

Versus

1. The State of Bihar, through its Secretary, Personal and Administrative Department, Government of Bihar, Patna.
2. The Chairman, Bihar Staff Selection Commission, Patna, P.O. Veterinary College, Patna- 14.
3. The Secretary, Bihar Staff Selection Commission, Patna, P.O. Veterinary College, Patna- 14.
4. The Divisional Commissioner, Saharasa.
5. The District Magistrate, Supaul.
6. The District Development Commissioner, Supaul.
7. The Block Development Officer, Raghapur, Supaul.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Gopal Govind Mishra, Adv.
For the State : Mr. Md.Nadim Seraj, GP-5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-12-2022 Today being Friday, matters are being taken up through
virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner by virtue of having worked as a driver in
between 13.05.1985 to 01.06.2016, has filed this writ petition in
the year 2018, claiming regularization in terms of resolution
dated 16.03.2006, bearing Memo No. 639, as contained in
Annexure-17 to the writ petition, issued by the Personal and



Administrative Reforms Department, Government of Bihar.

This Court has asked the petitioner's counsel as to which provision under the said resolution covers the petitioner's claim for regularization to which the petitioner's counsel is not able to show any right based on the said resolution.

It is admitted by the petitioner's counsel, in Paragraph No. 21 of his writ petition, that in 2005, the Bihar Vehicle Driver Regulation for appointment of driver under Class-III post by Staff Selection Commission has already come into effect. That being so, the stand taken by the State in the counter affidavit that the resolution dated 16.03.2006, bearing Memo No. 639, as contained in Annexure-17 to the writ petition, relied upon by the petitioner prescribes a specific mode for appointment of Grade-III employees, which has been specified in Paragraph No. 2 of the said letter appears to be correct.

The letter dated 16.03.2006, bearing Memo No. 639, as contained in Annexure-17 to the writ petition, provides the following procedure for appointment of Grade-III employee, who have been working since prior to the cut-off date and who fulfill the requisite minimum number of working days:-

(i) For the appointment of daily wages worker will be done by Bihar Staff Selection Committee, Bihar, Patna after the passing of special limited examination.



(ii) Post for which applications are made must have the fixed qualifications for the post.

(iii) After the passing of said examination a candidate may only be appointed only the vacancies are available.

(iv) Since the petitioner does not possess the required qualifications he is not entitled for appointment on Class 3rd grade.

The specific stand of the Respondent-State is that as per the said procedure, the petitioner does not possess the requisite qualification, which fact has not been denied or disputed by the petitioner's counsel by filing any rejoinder or reply.

The petitioner has not been able to make out any case for regularization under the resolution dated 16.03.2006, bearing Memo No. 639, as contained in Annexure-17 to the writ petition.

Accordingly, writ petition is dismissed.

(Madhuresh Prasad, J)

Raj kishore/-

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