

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2263 of 2021

1. Sudhakar Kumar Singh Son of Sri Ram Sagar Singh, resident of Village Bhairawar, Ward No. 4, P.S. Muffasil (Begusarai) District - Begusarai.
2. Ashok Kumar Singh, S/o Bal Dev Prasad Singh, resident of Village - Pahsara, P.S. Naokothi, District - Begusarai.
3. Ram Ashish Paswan, S/o Late Ramotar Paswan, resident of Village - Khanjahanpur, P.S. Cheriabariyarpur, District - Begusarai.
4. Arjun Prasad Yadav, S/o Vijan Prasad Yadav, resident of Village - Keshavpur, Dhabauli, P.S. Muffasil (Begusarai), District - Begusarai.
5. Ram Udgar Singh @ Ram Udgar Singahi S/o Ram Khelawan Singh, resident of Village - Hanuman Gadhi, Mohan Eghu, P.S. Muffasil (Begusarai) District - Begusarai.
6. Ram Padarath Paswan, S/o Visho Pawan, resident of Village - Damdama Kaith, P.S. - Muffasil (Begusarai), District - Begusarai.
7. Brijnandan Prasad, S/o Baleshwar Singh, resident of Village - Fulma, P.S. Panchgaon, District - Nawada.
8. Rabindra Kumar, S/o Ramnandan Sharma, resident of Village - Chetan Tola Khutaha, P.S. Lakhisarai, District - Lakhisarai.
9. Paras Ram, S/o Adit Ram, Resident of Village - Ussas-Devara, P.S. Gaya, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
2. The Joint Secretary, Government of Bihar, Patna.
3. The Deputy Secretary Cum (FMS Nodal Officer, Minor Irrigation Department, Government of Bihar, Patna.
4. The Chief Engineer, Minor Water Resource Department, Bhagalpur.
5. The Joint Secretary, Finance Department, Government of Bihar, Patna.
6. The Special Secretary Minor Water Resource Department, Government of Bihar, Patna.
7. The Executive Engineer, Minor Irrigation Division, Begusarai.
8. The District Magistrate, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nakul Kumar Jamuar
For the Respondent/s	:	Mr. Kapileshwar Prasad Yadav, GP 11
	:	Mr. Santosh Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI



ORAL JUDGMENT

Date : 27-01-2022

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

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“That this writ petition is being filed on behalf of the above named petitioners and the petitioners prays for issuance of a writ preferably in the nature of mandamus commanding and directing to the respondents concerned to make payment of salary from March – 2019, to up till. Further direction may be given to respondent concern to regularized these petitioners the same class-IV post, because they are working from 1979 to 1983 in work charge as a daily wages, but they have been not regularized after passing the two cut-of-date, 01.08.1985 and 11/12/1990 and now it has to knowledge that the petitioners are going to be terminate from service by the respondents concerned, while the Hon’ble High Court as well as Hon’ble Apex Court, passed the several similar order for regularization of work charge employee and the respondents concerned either made payment of salary from March – 2019 nor regularized to the petitioners on the same post and Class-IV employees. And/Or any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.”

3. In the light of Apex Court decision in the case of ***Mani Subrat Jain V. State of Haryana*** reported in (1977) 1 SCC 486 the present petition is not maintainable since there is no representation or demand before the competent authority.

4. Petitioners are at liberty to submit a detailed representation to the concerned authority within a period of eight weeks from the date of receipt of this order. If such representation



is submitted, the concerned respondent is hereby directed to decide the petitioners’ representation within a period of three months from the date or receipt of petitioners’ representation.

5. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	29.01.2022
Transmission Date	

