

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4145 of 2021

1. Dinesh Ram Son of Late Manohar Ram, Resident of Village - Gandharmath, P.S. Ghosi, District - Jehanabad, Bihar.
2. Arjun Prasad Singh, Son of Late Amerika Singh, Resident of Village - Jai Kisun Bigha, P.S. Chandimau, District - Nalanda, Bihar.
3. Mukesh Chaudhary, Son of Late Late Shankar Chaudhary, Resident of Village - Rahmatpur (Basa), P.S. Asarganj, District - Munger, Bihar.
4. Binod Kumar, Son of Late Suraj Thakur, Resident of Village - Saraut, P.S. Siswan, District - Siwan, Bihar.
5. Sangaji Yadav, Son of Late Sahdev Yadav, Resident of Village - Rahmatpur Chowk, P.S. Asarganj, District - Munger, Bihar.
6. Sudarshan Mishra, Son of Late Tarni Mishra, Resident of Village - Thakur Patti Durga Sthan, Ward No. 3, P.S. Bangaon, District - Saharsa, Bihar.
7. Shaukat Ali, Son of Mustaquim Mian, Resident of Village - Parsa Bhelari, P.S., District - Saran, Bihar.
8. Kumar Manav Shashi, Son of Sarangdhar Singh, Resident of Village - Neelkanth Nagar, Pranwati Lane, P.S. Tilka Manjhi, District - Bhagalpur, Bihar.
9. Raj Kumar Mandal, Son of Ramkishun Mandal, Resident of Village - Satisthan, P.S. Masumganj, District - Munger, Bihar.
10. Rajendra Kumar Malakar, Son of Late Vindeshwari Prasad Mali, Resident of Village - Sahebganj, Julaha Tola, P.S. University O.P., District - Bhagalpur, Bihar.
11. Santosh Kumar, Son of Surendra Kumar, Resident of Village - Chaukhandi, P.S. Vasudev Nagar, District - Munger, Bihar.
12. Subodh Yadav, Son of Ram Swarup Yadav, Resident of Village - Chaukhandi, P.S. Vasudev Nagar, District - Munger, Bihar.
13. Virendra Prasad Yadav, Son of Ram Swarup Yadav, Resident of Village - Chaukhandi, P.S. Vasudev Nagar, District - Munger, Bihar.
14. Nand Kishore Yadav, Son of Vijay Yadav, Resident of Village- Sahebganj Loknathganj Road, P.S. University O.P., District - Bhagalpur, Bihar.
15. Yugal Mandal, Son of Late Moka Mandal, Resident of Village - Company Bagh, P.S. University O.P., District - Bhagalpur, Bihar.
16. Indrajeet Paswan, Son of Bakauri Paswan, Resident of Village - Rani Sarai, P.S. Bakhtiarpur, District - Patna, Bihar.
17. Ajeet Prasad Shahi, Son of Late Ram Prasad Shahi, Resident of Village - Anant Kamtaul, P.S. Kuthani, District - Muzaffarpur, Bihar.
18. Mangal Jha, Son of Gorelal Jha, Resident of Village - Sahebganj, P.S. University O.P., District - Bhagalpur, Bihar.
19. Ramswarth Singh, Son of Late Ramchandra Singh, Resident of Village - Banwak, P.S. Punpun, District - Patna, Bihar.
20. Satyendra Kumar Singh, Son of Late Parmanand Ram, Resident of Village -



Subhashnagar Khemnichak Road No. 2, P.S. Ramkrishna Nagar, District - Patna, Bihar.

21. Jagannath Rajak, Son of Asharfi Rajak, Resident of Village - Bhikhanpura, P.S. Desari, District - Vaishali, Bihar.
22. Lal Babu Ram, Son of Late Kisun Ram, Resident of Village - Naya Tola, Chhata Chowk, P.S. Kazi Muhammadpur, District - Muzaffarpur, Bihar.
23. Kamruddin Ansari, Son of Md. Syed Ansari, Resident of Village - Khagaul, P.S. Khagaul, District - Patna, Bihar.
24. Jay Prakash Mahto, Son of Ramlal Mahto, Resident of Village - Badi Pahadi, P.S. Agamkuan, District - Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State of Bihar through the Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
3. The Principal Secretary, The Department of General Administration, Government of Bihar, Patna.
4. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
5. The Bihar State Water Board, through its Secretary, West Boring Canal Road, Patna.
6. The Managing Director, The Bihar State Water Board, Patna.
7. The Managing Director, Bihar Urban Infrastructure Development Corporation Limited, West Boring Canal Road, Patna.
8. The Chief Engineer, Ganga Project, The Bihar State Water Board, Patna.
9. The Executive Engineer, Ganga Project Division No. 3 (Bhagalpur), The Bihar State Water Board, Patna.
10. The Executive Engineer, Ganga Project Division No. 5 (Patna), The Bihar State Water Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

2 31-01-2022 The matter is heard via video conferencing due to
circumstances prevailing on account of COVID-19 pandemic.

In the instant petition, petitioner has sought for



following reliefs :

(i) For issuance of appropriate writ, order or direction in the nature of Mandamus directing the respondents concerned to regularise / absorb the services of the petitioners with immediate effect in accordance with law in view of inter alia long continuous, uninterrupted engagement of the petitioners at their respective divisions of Ganga Project under the Bihar State Water Board, Patna now merged into Bihar Urban Infrastructure Development Corporation Limited (BUIDCo).

(ii) Alternatively, for issuance of appropriate writ, order or direction in the nature of Mandamus thereby interdicting the respondents concerned from interfering in the continuity of the engagement of the petitioners post December, 2020 at their respective Divisions of the Ganga Project under the Bihar State Water Board now merged into Bihar Urban Infrastructure Development Corporation Limited (BUIDCo).

(iii) For issuance of appropriate writ, order or direction in the nature of Mandamus thereby directing the respondents concerned to release the Provident Fund, increment in wages and other permissible entitlements in their respective categories on the basis of Equal pay for Equal work from inception of their respective date of employment with the respondents concerned.

(iv) For grant of such other order or direction for which the petitioners are found entitled to in the facts and circumstances of the case.”

In support of the aforesaid reliefs, the Principal Secretary, Urban Development Department and Housing Department, Govt. Of Bihar, 4th respondent has been arrayed and he seems to be formal party, whereas the competent



authority in respect of petitioners' grievance is concerned, the Chief Engineer, Ganga Project or the Managing Director, Bihar State Water Board or the Managing Director, Bihar Urban Infrastructure Development Corporation Ltd., the petitioner's representations are not before the aforesaid authority. In absence of representation to the proper authority, the present petition is not maintainable.

Accordingly, the present petition stands disposed of reserving liberty to the petitioner to prefer representation / application before the competent authority with all necessary materials within a period of eight weeks from the date of receipt / production of a copy of this order, along with any judicial pronouncement if any.

If such representation is submitted, the Competent authority is hereby directed to examine the petitioners' grievance and redress the same within a reasonable period of time.

(P. B. Bajanthri, J)

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