

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20277 of 2021

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Reena Devi Wife of Sarun Kumar Resident of Village- Purvi Dahiyaba
Jagdamba Road, Police Station- Town Chapra, District- Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Addl. Secretary, Home Department, Government of Bihar, Patna.
2. The Director of Prosecution, Prosecution Directorate to Government of Bihar.
3. The Assistant Director, Prosecution Directorate, Government of Bihar.
4. The Deputy Secretary, Home and Public, Government of Bihar.
5. The Director, Prosecution Directorate, Old Secretariat, Government of Bihar.
6. The District Magistrate, Patna.
7. The District Prosecution Officer, Patna.
8. The Sub Divisional Officer, Prosecution Office, Patna City, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh
For the Respondent/s : Mr. Sheo Shankar Prasad (Sc8)

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

Date : 05-01-2022

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

2. In the instant petition, petitioner has prayed for following reliefs:

“1. That the present application is being filed for issuance of a writ in the nature of mandamus directing the respondents to regularize the services of the Petitioner on a regular post of Class-IV employee and for direction to pay the petitioner a salary of basis pay scale of a Class-IV worker and for also directing the respondent. The petitioner



be paid the arrears of payment for the work on the basis of equal pay equal work principal and for all consequential benefits for his continuous services.”

4. In support of the aforesaid relief, petitioner is relying on a decision rendered in L.P.A. No. 1617 of 2013 decided on 15.07.2016. The factual aspect of the appellant therein and the present petitioner is entirely different. Appellant Ashok Paswan was appointed in the year 1996 as a daily wager whereas the present petitioner is working on *adhoc* basis since 2017.

5. *Prima facie*, in the light of Apex Court’s decision in the case of *Secy., State of Karnataka V. Uma Devi reported in (2006)4 SCC page 1* passed in *CWJC No. 16 of 2021* read with full bench decision of the this Court in the case of *Ram Sevak Yadav & Another Vs. The State of Bihar & Others* reported in *2013(1) PLJR 964* passed in *CWJC No. 267 & 472 of 2010*, petitioner has not made out a case. Hence, the instant petition stands dismissed.

(P. B. Bajanthri, J)

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Transmission Date	

