

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11738 of 2018

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1. Barun Jay Kumar, Son of Late Ranvijay Singh, Resident of West Shastri Nagar, Road No.3, P.S.- Rampur, District- Gaya.
 2. Shambhu Sharan Singh, Son of Ranvijay Singh, Resident of Janfur Police Colony, P.O.- Biniyadganj, P.S.- Mufassil, District- Gaya.
 3. Lalan Prasad Yadav, Son of Late Suryadeo Yadav, Resident of Village-Tetariya, P.O.- Naur, P.S.- Navinagar, District- Aurangabad.
 4. Awadhesh Kumar Thakur, Son of Chandranand Thakur, Resident of Village+P.O.- Basaity, P.S.- Basaity, District- Araria.
 5. Ram Kumar Singh, Son of Late Baneshwar Singh, Resident of Village+P.O.- Phulbariya Baheri, P.S.- Gurua, District- Gaya.
 6. Suryadev Singh, Son of Late Kameshwar Singh, Resident of Village-Kadhauna, P.O.- Singhaura, P.S.- Bajirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. Of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Bihar, Patna.
3. The Principal Secretary, Department of Finance, Bihar, Patna.
4. The Principal Secretary, General Administration Department, Bihar, Patna.
5. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna.
6. The Chief Engineer, Public Health Engineering Department, Bihar, Patna.
7. The Superintending Engineer, Public Health Engineering Circle, Gaya.
8. The Executive Engineer, Public Health Division, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Siyaram Pandey, Advocate Mr. Ram Vinay Pd. Singh @ Sanjay, Advocate
For the Respondent/s	:	Mr. Vijay Kumar Sinha, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 29-08-2022 Petitioners claim for regularization in terms of the decision of this Court in CWJC No.20170 of 2016 and its analogous cases as also the Resolution No.639 dated



16.03.2006.

The submission of Mr. P.K. Shahi, learned Senior Counsel representing the petitioners is based on a report dated 05.01.2019 prepared by the Executive Engineer, Public Health Engineering Department, Aurangabad, which shows the petitioners to have been engaged on daily wages basis in between 26.12.1988 to 24.02.1989 and also acknowledges the fact that they have worked for more than 240 days prior to 11.12.1990.

Learned State Counsel, however, submits that the purpose of preparing the report was for identifying the existing vacancies at the time of preparation of the report.

Whatever may be the purpose for preparation of the report, since it clearly takes note of the petitioners' engagement on daily wages in between December, 1988 to February, 1989 and also acknowledges their work being discharged for 240 days prior to 11.12.1990, this Court would consider it appropriate to direct that the Respondents No.5 and 6 would consider the petitioners' claim for regularization, in accordance with law, having regard to the decision passed in CWJC No.20170 of 2016 and its analogous cases, noted above, as also the 2011 State Litigation Policy, specifically Clause 4(c)(i) thereof, which



requires covered matters to be extended the benefits of the decision by which they are covered. Let the order be passed by the authorities within three months.

It is made clear that the order dated 07.05.2018 bearing Memo No.631 shall not stand in the way of such fresh consideration.

The application is disposed of with the aforesaid observations and directions.

(Madhuresh Prasad, J)

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