

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13739 of 2018

1. Rajendra Singh S/o Late Jag Narayan Singh, B/o Sri K.K. Singh Post-Nalkup Khalasi, Public Health Engineering Department, Aurangabad, R/o Mohalla- Behind house of Budda Singh, Sri Krishna Nagar, Ahari, P.S. and District- Aurangabad.
2. Ram Baran Prasad, S/o Murat Mahto, Post- Nalkup Khalasi Public Health Engineering Department, Aurangabad, At present R/o Village- Kundi, Post-Darwara, District- Nalanda.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Engineer in Chief Mechanical Public Health Engineering Department, Government of Bihar, Patna.
4. The Chief Engineer (Mechanical), Public Health Engineering Department, Government of Bihar, Patna.
5. The Superintending Engineer, Public Health Engineering Department, Gaya Circle, Gaya.
6. The Executive Engineer, Public Health Engineering Division, Aurangabad, District- Aurangabad, Bihar
7. The Sub-Divisional Officer, Public Health Engineering Sub Division, Aurangabad, District- Aurangaba

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Amarendra Kumar Singh
For the Respondent/s : Mr.Arvind Ujjwal-Sc4

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 28-11-2022

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

2. It is not in dispute that the person, at Sr. Nos. 1 to 6 of the impugned order bearing no. 631, dated 07-05-2018 issued by the Executive Engineer, Public Health Division, Aurangabad,



had approached this Court by way of CWJC No. 11738 of 2018, which has been disposed of for consideration of the petitioner's claim for regularization afresh which read as follows:-

“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.”

3. Accordingly, the writ petition is disposed of in terms of the order dated 29-08-2022, passed in C W J C No. 11738 of 2018.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24-12-2022
Transmission Date	

