

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2373 of 2019**

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1. Laxman Raut Son of Vishun Raut Resident of Village- Gidha, P.O.- Chhapra Bahas, P.S.- Sugauli, District- East Champaran
  2. Vijay Raut Shankar Raut Resident of Village- Gidha, P.O.- Chhapra Bahas, P.S.- Sugauli, District- East Champaran
  3. Rajesh Raut Laxman Raut Resident of Village- Gidha, P.O.- Chhapra Bahas, P.S.- Sugauli, District- East Champaran
  4. Ajay Kumar Duryodhan Paswan Resident of Village- Gidha, P.O.- Chhapra Bahas, P.S.- Sugauli, District- East Champaran
  5. Mukesh Kumar Laxman Ram Resident of Village- Gidha, P.O.- Chhapra Bahas, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Director, Schedule Caste and Schedule Tribes Welfare Department, Bihar, Patna
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The Deputy Director, Tirhut Division, Muzaffarpur
4. The District Welfare Officer, East Champaran, Motihari
5. The In-charge Headmaster, Rajkiya Ambedkar Awashiya Uchcha Vidyalaya, Sugaon, East Champaran

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma  
For the Respondent/s : Mr. S.K.Mandal (Sc3)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

ORAL ORDER

4      30-11-2023

1. Heard the parties.

2. The petitioners have filed the present writ application for a direction to the respondent authorities to regularize the services of the petitioners in the regular establishment who were working as sanitary workers (safai karamchari) in Rajkiya Ambedkar Awashiya Uchcha Vidyalaya, Sugaon, East



Champaran, for more than ten years. The date of appointment of the petitioners on daily wages is as follows:-

1. Laxman Raut - (Safai Karmi) - working since 19.08.1999.

2. Vijay Raut - (Safai Karmi) - working since 14.08.2012.

3. Rajesh Raut - (Safai Karmi) - working since July 2005.

4. Ajay Kumar - (Safai Karmi) - working since 14.08.2012.

5. Mukesh Kumar - (Safai Karmi) - working since 20.09.2013.

3. Learned counsel for the petitioners submits that the petitioners were appointed as sanitary workers on different dates and have been working for more than ten years. He further submits that letter dated 14.08.2012 has been sent by the Deputy Director Welfare to the District Welfare Officer, East Champaran regarding payment of wages to the petitioners who were working in the school. A representation has been filed by the petitioners before the Head Master of the School on 10.02.2018 regarding regularization but the same is still pending.

4. On the other hand, learned counsel for the State submits that the petitioners were not appointed against the



sanctioned post. He further submits from the letter dated 14.08.2012 as relied upon by the petitioners, it would be evident that the petitioners were appointed purely on daily wages as part-time sanitary workers. Their services were being utilized as and when required. The government has come out with a Rule for appointment on Group D post in the year 2010 namely Bihar Group D (Appointment and Service Condition/Rule, 2010). As per Rule 4, any appointment on Group D post is possible through open advertisement and there is no statutory rule and/or policy of the government for regularization of part-time workers. As per Rule 6 (2) and 6 (4), panel is to be prepared for appointment against the advertised vacancies. The preparation of the panel in the District is under process against the advertised vacancy No. 1 of 2013. In case the petitioners have applied against the advertised vacancy, the experience of the petitioners can be given weightage during the course of appointment. The petitioners are not entitled to be regularized in absence of any statutory and/or policy of the government.

5. I have heard the parties and have gone through the materials on record. It appears from Annexure 1, relied upon by the petitioners, that they were engaged as part time workers. The petitioners have not been able to show that at the time of their



appointment, advertisement was published and that they were appointed on a sanctioned post. The government has come out with the Rule in 2010 regarding appointment on Group D post which includes the post of sanitary workers.

6. In view of the facts that the petitioners were not engaged on sanctioned post and their services were being utilized as part-time sanitary worker as and when required and the fact that there is no rule/policy for regularization of such part-time workers, I do not find any merit in the writ application.

7. Accordingly, the present writ application stands dismissed.

**(Anil Kumar Sinha, J)**

HarshPandey/-

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