

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16776 of 2014

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Raju Singh, S/o Shri Birendra Singh, Resident of Village Dhawan, P.O. Durgadih, P.S. Bikramganj, District Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Patna.
2. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Patna.
3. The Superintending Engineer, Public Health Engineering Department, Circle, Patna.
4. The Executive Engineer, Public Health Engineering Department, Sasaram, District Rohtas.
5. The Sub Divisional Officer, Public Health Engineering Department, Sub Divisional, Dehri-on-Sone, Dehri, District Rohtas.
6. The Junior Engineer, Public Health Engineering Department, Bikramganj, District Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nil Kamal
For the Respondent/s : Mr. SC 6- Manindra Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-01-2023 This writ petition has been filed seeking direction to quash the impugned order issued by respondent No. 2 bearing letter No. 6/B1-110/2012-01 dated 01.01.2014 (Annexure-4) in light of order passed by co-ordinate Bench of this Court in CWJC No. 3521 of 2014 dated 04.03.2014 (Annexure-5) and further for direction to set aside order dated 08.07.2014 whereby order for making a panel of unskilled labour of 6 to 8 persons have been made (Annexure-6). It is further prayed to allow the



petitioner to continue to work as a daily wages labour till the said post is filled up through public advertisement.

It is submitted on behalf of the petitioner that he was engaged on the post of Daily Wages Labour of Pump Operator against the sanctioned vacant post till the permanent appointment would not be made through an Advertisement against that post. It is next submitted that respondent No. 2 issued a letter No. 6/B1-110/2012-01 dated 01.01.2014 directing all his subordinates working as Pump Operators on daily wages be removed which was duly quashed by co-ordinate Bench of this Court in CWJC No. 3521 of 2014 dated 04.03.2014. Hence, petitioner prays that orders contained in Annexure-4 and 6 to this writ petition be quashed and direction be issued to the respondents to allow the petitioner to continue on the post of Daily Wages Labour of Pump Operator till the appointment through public advertisement is made.

On the other hand, learned counsel of the State submits that petitioner has been working on a day-to-day since year 2011-12 and the newspaper publication dated 05.06.2013 (Annexure-3 to the writ petition) was only with a purpose to facilitate the local citizens with the name of persons looking after the water supply stations and it does not give them any



status of appointment on vacant or sanctioned posts. He further submits that the petitioner was engaged on daily wages in exigency of work and to avoid the difficulties in providing regular supply of water in the urban as well as rural areas where the pumps were lying inoperative in absence of engagement of pump operators. He further submits that the Department of PHED has drafted the 'PHED Pump Operators/Electricians (Recruitment & Service) Conditions Rules, 2014' and this Rule has finally been notified vide memo No. 1134 dated 08.09.2014 by the Government of Bihar and process for appointment on the post of Pump Operators/Electricians shall be undertaken accordingly on sanctioned post through public advertisement in accordance with this new Rule and therefore, the department has taken all possible steps to ensure proper equal opportunity to all the eligible persons.

It is settled law that daily wagers have no right to claim regularisation or continuation. They do not hold any post. It is for the respondent authority to decide to engage or disengage as per the exigency of work.

Considering the aforesaid facts and circumstances of the case, and law settled in this regard, this Court does not find any merit in the writ application and the same is,



accordingly, dismissed.

(Prabhat Kumar Singh, J)

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