

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19580 of 2014

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Md Nasim S/o Late Abdul Halim Choudhary Resident of Mohalla - Naya Chowk Buxar, P.S. - Hajipur, District - Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Patna.
3. The District Magistrate, Buxar.
4. The Sub-Divisional Officer, Buxar.
5. The Anchal Adhikari, Buxar.
6. The Block Development Officer, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashwini Kumar Rai, Adv. Mr. Om Prakash Upadhyay, Adv.
For the State	:	Mr. Mutabaul Haque, GP 12 Mr. Pranoy Kumar, AC to GP 12

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

4 30-01-2023 1. The petitioner has preferred this writ petition for following relief/reliefs

(I) That, this is an application for issuance of an appropriate writ, order/orders, direction to the respondent authority to appoint the petitioner on the post of Peon and further be pleased to direct the respondent authority to issue the order of appointment and not to adopt pick and choose criteria while similarly situated person are being appointed and pass such any other order as your lordships may deem fit and proper under the circumstances of



the case.”

2. Learned counsel for the petitioner submits that the petitioner had been working on daily-wages on the post of peon from 25th April, 2010 in the anchal and Block-Buxar. His name was placed in the second priority list but the same was deleted and shifted to fourth priority list on the ground that work documents supporting his working experience had not been attached with his application.

3. Learned counsel for the petitioner submits that the petitioner had placed experience certificates but the pay slip documents which he had filed were not taken into consideration. The copy of the payment receipts showing that the petitioner had been working on daily-wage basis have been placed on record for perusal of this Court.

4. Learned counsel for the respondents submit that at the time of consideration the petitioner was required to place the documents and in the absence of such documents, the petitioner's case was not considered and no fault can be attributed to the respondents.

5. I have considered the submission, a record relating to daily-wage employee is available with the respondents and not with the concerned person. The copy of the same is also required to be issued by the respondent authorities. The possibility cannot be denied that such documents are not made available to a daily wage employee. However, since the respondents themselves are in



possession of the entire documents relating to the same District, the onus cannot be shifted to an applicant who was admittedly working with the respondents on daily-wage basis. He has already produced the experience certificates.

6. Further, this Court is satisfied with the documents which has been placed on record in Annexure 6 series reflect that the petitioner was working continuously on daily wage basis with the respondents since, April, 2013.

7. Earlier experience from 25.04.2010 to 2013 is to be verified from the records by the respondents themselves and if it is found that the petitioner's claim is made out he deserves to be placed on regular pay scale and as a regular peon.

8. In view of above observations, the respondents are directed to reconsider the case of the petitioner for regularization on the post of peon and for the said purpose to examine his entire record which is in their own possession.

9. The exercise shall be conducted within period of three months.

10. The writ petition stands allowed.

(Sanjeev Prakash Sharma, J)

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