

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.62 of 2022

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Rakesh Kumar, Son of Baidya Nath Das, Resident of Village- Koari, Police Station- Bathnaha, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Home (Jail) Department, Government of Bihar, Patna.
2. The Principal Secretary, Home (Jail) Department, Government of Bihar, Patna.
3. The Inspector General, Prison, Government of Bihar, Patna.
4. The Jail Superintendent, Khudi Ram Bose Central Jail, Muzaffarpur.
5. The Jail Superintendent of Divisional Jail, Sotamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Mazharul Hassan, Advocate
For the State : Mr.Manish Dhari Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 18-08-2023 1. Heard learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner claims to be working in the Jail on daily wages from 15.09.2016. He has approached this court claiming regularization in terms of the 2011 Rules namely the Bihar Jail Nai and Safai Mazdoor Cadre Rules, 2011 (hereinafter referred as “Rules”).

3. The submission by learned counsel for the petitioner is that the Rules provides for regularization of the employees working on daily wages and there is no cut off date fixed in the said Rules. However, the petitioner is not being



regularized.

4. Learned counsel for the State on the other hand has drawn attention of the court towards the Rules, copy of which is Annexure-5 to the writ petition. He has referred to Rule 5 (2) of the Rules, which reads as follows:-

“5 (2) पूर्व से काराओं में कार्यरत नाई एवं सफाई मजदूरों को पटना उच्च न्यायालय L.P.A सं० 284 / 97 में दिनांक 11.12.06 को पारित आदेश के आलोक में नियुक्ति हेतु एक अवसर प्रदान किये जाने के पश्चात् शेष बचे पद एवं इस प्रकार नियुक्त नाई / सफाई मजदूर द्वारा रिक्त किये गये पदों पर बाह्य स्रोत से सरकार द्वारा समय-समय पर विहित प्रक्रिया एवं नियत विहित वेतन / पारिश्रमिक पर सेवा ली जायेगी। ”

5. It is apparent from the opening line of Rule 5 (2) of the Rules that the regularization as a one time measure is contemplated in terms of order passed in *L.P.A. No. 284 of 1997* for those who were working since before coming into force of the Rules. Admittedly, the petitioner has come in daily wages at least five years after coming into force of the Rules. The petitioner, therefore, is found to be having no enforceable claim of regularization in terms of the Rules.

6. The writ petition is accordingly dismissed.

(Madhuresh Prasad, J)

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