

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1631 of 2018

1. Nagendra Singh and Ors son of Late Kalpnath Singh, resident of Village- Bara Karinga, P.S. Mufassil Chapra, District- Saran.
2. Vijendra Kumar Singh, son of Late Dinanath Singh, resident of Village- Umdha, P.O. Fakuli, P.S. Mufassil, Chapra, District- Saran.
3. Nagendra Upadhyay, son of Late Govind Deo Upadhyay, resident of Village- Bareja, P.O. Bareja, P.S. Daudpur, District- Saran.
4. Kaushal Kishore Giri, son of Late Bindeshwari Giri, resident of Village- Rampur Mathiya, P.O. Rampur Kala, P.S. Khaira, District- Chapra.
5. Om Prakash Choudhary, son of Late Baijnath Prasad Choudhary, resident of Village- Dahiyawan Jagdamba Road, P.O. Chapra, P.S. Town Police Station, District- Saran.
6. Binay Kr. Tiwary, son of Balram Tiwary, resident of Village- Muraudpur, P.S. Avrar Nagar, District- Saran.
7. Hideshwar Prasad Yadav, son of Pancham Roy, resident of Village- Singhi Madan Patti, P.S. Doriganj, District- Saran.
8. Rajendra Kumar, son of Chatti Lal Prasad, resident of Village- Jalalpur, P.S. Doriganj, District- Saran.
9. Kedar Prasad Yadav, son of Late Ram Chandra Prasad Yadav, resident of Village- Shyamchak, P.S. Bhagwan Bazar, District- Saran.
10. Kamal Roy, son of Late Mithu Roy, resident of Village- Mohammadpur, P.S. Riwilganj, District- Saran.
11. Ramayan Prasad, son of Late Dwarika Rawat, resident of Village- Sabdidih, P.S. Jalalpur, District- Saran.
12. Raj Bijay Kumar Sah, son of Late Sheo Prasad Sah, resident of Village- Dumaria, P.S. Mufassil, District- Saran.
13. Bijendra Manjhi, son of Late Muneshwar Manjhi, resident of Village- Majhwalia, P.S. Kopa, District- Saran.
14. Ramji Pandit, son of Dinanath Pandit, resident of Village- Ramlila Mathia, P.S. Bhagwan Bazar, District- Saran.
15. Gaya Rai, son of Late Sahatu Rai, resident of Village and Naraw, P.S. Avtar Nagar, District- Saran.
16. Angad Prasad, son of Late Ram Lakhan Prasad, resident of Village and P.O.- Uffaur, P.S. Khaira, District- Saran.
17. Shankar Prasad @ Sri Shankar Prasad, son of Late Sheo Bachan Prasad, resident of Village- Dahiyawan, P.S. Town, District- Saran.
18. Tarkeshwar Prasad Yadav, son of Ram Janam Rai, resident of Village- Dumariya, P.S. Mufassil, District- Saran.
19. Sudama Rai, son of Late Chattu Rai, resident of Village- Mohammadpur, P.S. Riwilganj, District- Saran.
20. Hare Ram Puri, son of Late Bishram Puri, resident of Village and P.O.- Kohra, P.S. Daudpur, District- Saran.



... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Secretary Personnel and Administrative Reforms Department, Bihar, Patna.
3. The Divisional Commissioner, Saran Division, Saran, Chapra.
4. The District Magistrate, Saran at Chapra.
5. The Deputy Development Commissioner, Saran at Chapra.
6. The Establishment Deputy Collector, Saran at Chapra.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18026 of 2016

Atul Kumar Pandey S/o Late Mahendra Nath Pandey Resident of village - Dahiyawa, P.O. Shahebganj, P.S. Town Thana Chhapara, District - Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, General Administration Department Govt. of Bihar
3. The District Magistrate Cum Chairman, Selection Committee, Saran at Chapra
4. The Divisional Commissioner, Saran Division att Chapra
5. The Deputy Collector, Nazarat, Saran at Chapra
6. The Employment Exchange, officer, Saran at Chapra

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1631 of 2018)

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Respondent/s : Mr.Sheo Shankar Prasad -Sc8

(In Civil Writ Jurisdiction Case No. 18026 of 2016)

For the Petitioner/s : Mr.Gopal Pandey

For the Respondent/s : Mr.Md. Nashrul Hoda Khan- Sc1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-01-2023 Both writ applications are identical with similar
reliefs as such both writ petitions are taken up together and are
disposed of by this common order.



This writ application has been filed for following reliefs:

I) To issue appropriate writ or order setting aside the panel dated 8.11.2017 for making appointment on the post of the IVth Grade under group 'Gha' which has been prepared on the basis of pick and choose ignoring the objections raised by the petitioners whose name has been included in the Panel 1984-85.

II) To direct the respondent particularly respondent No. 4 the District Magistrate, Saran to prepare a fresh Panel including the names of the petitioners for making of appointment on Class IVth posts as they have worked as Daily wages employee in the Collectorate of Saran since long period and on that basis their names have been included in the panel of 1984-85.

III) To direct the respondents particularly respondent No. 4 to give relaxation in the age of petitioner like other candidates who has been given relaxation of age which appears itself from the panel of 2017.

IV) To grant any other relief or reliefs for which the petitioner are entitled.

In the instant writ application the petitioner have prayed for direction to the respondent to appoint them on the



post of Class IV employees on the basis of panel which was prepared by the Respondents in 1984-85.

It is the grievances of the petitioner that in spite of several directions of this hon'ble court in earlier writ application, for giving weightage and preference in the matter of regularization after giving them relaxation in the age, the case of the petitioner has not been considered for appointment to the post of IVth grade employee in the Collectariate of Saran, at Chhapra. Petitioners in their capacity as daily wager claimed regularization/appointment on the basis of an alleged panel which was prepared in the year 1984-85. It is further case of the petitioner that while others have been appointed, petitioners have been denied appointment by the respondents.

Law is settled in this regard by the Hon'ble Supreme Court in the case of (State of UP and ors vs Ajay Kumar reported in (1997)4 SCC 88 that daily wagers have no right or claim for regularization. This has been consistently followed in several decisions holding that person working on daily wage holds no post and, therefore, the question of his regularization/appointment from a panel which was prepared in the year 1984-85 does not arise. A daily wager could only apply



in response to an advertisement and be considered along with others and then he may be given preference of his past experience,etc.

Law is well settled that any panel cannot have a life beyond one year as it would violate Article 14 of the Constitution of India in as much as it would shut out from consideration fresh applicant who may be eligible thereafter.

The same view was taken in (1997) 2 SCC 556 (N.Mohanan Vs State of Kerala and ors) and reiterated in (2009) 2 SCC 707(Giridhar Kumar Dadhich and anr. vs. State of Rajasthan and Ors.)

In view of the facts and circumstances of the case and the legal precedents as discussed above, this Court finds no merit in the writ application and is accordingly dismissed.

(Prabhat Kumar Singh, J)

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