

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1352 of 2020

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Devniti Sah @ Deoniti Sah, S/o Ram Khelawan Sah, Resident of Village-
Chakhusaini, P.O. and P.S.-Mansi Chak Hussaini, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Work Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Personnel and Administrative Reforms Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The District Magistrate, Nalanda at Biharsharif.
5. The District Magistrate cum-Chairman, District Selection Committee, Nalanda at Biharsharif.
6. The Engineer-in-Chief, Rural Works Department, Bihar, Patna.
7. The Chief Engineer, Rural Works Department, Bihar, Patna.
8. The Superintending Engineer, Rural Works Department Works Anchal Nalanda at Biharsharif.
9. The Executive Engineer, Rural Works Department Works Division, Bihar Sarif (Nalanda).
10. The Executive Engineer, Rural Works Department Works Division, Biharsariff, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Kumar Alok (SC-7)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-11-2023 Upon repeated call, no one appears on behalf of the

petitioner, however learned counsel for the State present.

2. It transpires to this Court that present writ petition
has been filed directing the respondent to set aside the decision
of the meeting dated 06.03.2018 of District Establishment-cum-
Selection Committee (annexed as Annexure-8) and further



directed to regularization/appointment/absorption of the petitioner as per the memo No. 639 dated 16.03.2006 issued by the Personnel and Administrative Reforms Department Govt. of Bihar. It also transpires to this Court that it has been pleaded by the learned counsel for the petitioner in the writ petition that he was appointed/engaged as Rollar Khalasi vide memo no. 631 dated 26.05.1987 as a daily wage employee and work with respondent no. 9 and 10. It also transpires from the pleading that after engagement in the year 1987, he continued as daily wage employee upto 30.06.1996 for more than 240 days prior to 11.12.1990 which was the cutoff date of appointment/regularization/absorption of the retrenched daily wages employee.

3. Learned counsel for the State submits that it is true that Govt. has issued a memo No. 639 dated 16.03.2006 and vide departmental letter No. 7365 dated 29.06.2011, wherein clear stand has been to the effect that those daily wages employee worked prior to 11.12.1990 for atleast 240 days each year, in continuance for atleast 5 years to be considered for regularization/absorption, but the petitioners' work days have been calculated and those calculation has been made in paragraph 10 of the counter affidavit and it has been found that



from 1986 to 1990, the petitioners' engagement was only for 44 days and therefore, he has not fulfilled the basic criteria of completion of 240 days as a daily wages employee.

4. Learned counsel for the State also submits that as per his knowledge, the petitioner is no more and died on 16.09.2020. (paragraph no. 6 of counter affidavit)

5. In this view of the matter, there is no case of the petitioner, hence this petition stands dismissed.

(Dr. Anshuman, J.)

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