

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2035 of 2020

1. Bipin Kumar Yadav S/o Bhagwan Yadav Resident of Village- Goshingaon, P.S.- Gopalpur, District- Bhagalpur, State- Bihar.
2. Ram Chandra Sah S/o Shiv Sah Resident of Village- Chauhaddi, P.O.- Narayanpur, District- Bhagalpur, State- Bihar.
3. Vinod Mandal S/o Baijnath Mandal Resident of Village- Abhiya, P.O.- Abhiya Bazaar, P.S.- Gopalpur, District- Bhagalpur, State- Bihar.
4. Bharatlal Thakur S/o Dwarika Thakur Resident of Village- Tulsipur, P.O.- Tulsipur, P.S.- Kharik, District- Bhagalpur, State- Bihar.
5. Vinod Paswan S/o Ghoghan Paswan @ Chote Lal Paswan Resident of Village- Athgama, P.O.- Akidatpur, P.S.- Kharik, District- Bhagalpur, State- Bihar.
6. Manohar Yadav S/o Vijay Yadav Resident of Village- Dadpur, P.O.- Lokmanpur, P.S.- Kharik, District- Bhagalpur, State- Bihar.
7. Chalitar Mandal S/o Parameshwar Mandal Resident of Village- Navtoliya, P.O.- Makhatakiya, P.S.- Naugachia, District- Bhagalpur, State- Bihar.
8. Rajkumar Yadav S/o Vijay Yadav Resident of Village- Dadpur, P.O.- Lokmanpur, P.S.- Kharik, District- Bhagalpur, State- Bihar.
9. Gautam Sharma S/o Late Moti Sharma Resident of Village- Madrauni, P.O.- Madrauni, P.S.- Rangra Chowk, District- Bhagalpur, State- Bihar.
10. Amit Kumar S/o Gajendra Prasad Singh Resident of Village- Pakra, P.O.- Pakra, P.S.- Naugachia, District- Bhagalpur, State- Bihar.

.. ... Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Environment and Forest, Patna.
2. The Principal Secretary, Department of Environment and Forest, Patna.
3. The Principal Chief Conservator of Forest Department of Environment and Forest, Patna.
4. The Chief Conservator of Forest Department of Environment and Forest, Patna.
5. The Regional Chief Conservator of Forest Department of Environment and Forest, Patna.
6. The Divisional Forest Officer Bhagalpur Forest Division, Purnia.
7. The Divisional Forest Officer Bhagalpur Forest Division, Bhagalpur.
8. The Range Officer Naugachia, Bhagalpur Forest Division, Bhagalpur.

... ... Respondent/s



Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad (Gp14)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 14-09-2023 Heard Mr. Mukesh Kumar learned counsel for the petitioners and Mr.Dhurjati Kumar Prasad learned G.P14 for the State.

2. The petitioners have moved before this Court for following relief:

This is an application for issuance of writ in the nature of mandamus or any other appropriate writ[s]/order[s]/direction[s] for commanding the respondents to regularize/absorb/allow the petitioners to continue as Cattle Guards in the Department of Environment and forest and consequentially pay their pending wages for the work done by them.

Be further pleased to pay their dues during the pendency of this writ petition and keep them on work as Cattle Guards.

3. It is case of the petitioner that they are regularly working since 1988 and the different documents by the Forest Officials are testimony to it. He has also brought on record the



passbook entries of 2022 to show that till the other day, they were serving.

4. Learned GP -14 contradicted the said submission put forward by learned counsel for the petitioner with the help of counter affidavit, he has shown that the petitioners were serving as a labour and once the scheme was/were over, their work came to an end and the list was made only because if fresh such scheme comes, they can be called upon. Neither they are daily wagers nor there is any continuity of service. He has cited several judgments in support of the contention put forward by him.

5. Learned counsel for the petitioner submits that they have all the documents to show that they have worked regularly, to the satisfaction of the respondents and are still working and as such liberty be granted to approach the highest authority, the respondent no. 2, the Principal Secretary, Department of Environment and forest, Patna within a period of four weeks from today separately.

6. In case, such petition is preferred by the petitioners individually, the same be taken into consideration by the respondent no. 2, the Principal Secretary, Department of Environment and forest, Patna and decided preferably within a



period of six months from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed of with the aforesaid observation.

8. This Court has not expressed any opinion in the matter.

(Rajiv Roy, J)

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