

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1656 of 2019

1. Rajesh Mehta and Ors Sri Shiv Mehta Resident of Village- Kachanpur Tole Mugiathi Bigha, P.S.- Barun, District- Aurangabad
2. Dharmdeo Singh Late Naga Singh @ Nagdeo Singh Resident of Village- Dewaria, P.S.- Narhari Khurd (Kala), District- Aurangabad
3. Parmeshwar Singh Late Mugesh Singh Resident of Village- Ramdeni Bigha, P.S.- Narhari Khurd (Kala), District- Aurangabad
4. Pramod Mehta Basudeo Mehta Resident of Village- Kachanpur Tole Mugiathi Bigha, P.S.- Barun, District- Aurangabad
5. Shiv Dhyan Singh Munshi Singh Resident of Village- Sahaspur, P.S.- Barun, District- Aurangabad
6. Upendra Singh @ Upendra Kumar Singh Sri Ram Janam Singh Resident of Village- Sahaspur, P.S.- Barun, District- Aurangabad
7. Shiv Nandan Singh Late Mahadeo Singh Resident of Village- Bagahi, P.S.- Barun, District- Aurangabad
8. Bijay Saw Late Harihar Saw Resident of Village- Gola Dhamni, P.S.- Barun, District- Aurangabad
9. Sukhlal Singh @ Sudlal Singh Late Yogi Singh Resident of Village- Ramgulam Bigha, P.S.- Barun, District- Aurangabad
10. Binod Singh @ Binod Kumar Singh Sri Sudheshwar Singh Resident of Village- Rerhia, P.S.- Barun, District- Aurangabad
11. Arjun Kumar Singh Sri Ramdeo Singh Resident of Village- Chander Bigha, P.S.- Barun, District- Aurangabad
12. Bijay Singh Late Kameshwar Singh Resident of Village- Chaccan Bigha, P.S.- Barun, District- Aurangabad
13. Anil Mehta Sahdeo Mahto Resident of Village- Kachanpur Tole Mugiathi Bigha, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Chief Secretary, Govt. of Bihar, Patna
2. The Secretary, Water Resources Department, Govt. of Bihar, Patna
3. The Engineer-in-Chief, Water Resources Department, Govt. of Bihar, Patna
4. The Chief Engineer, Water Resources Department, Aurangabad
5. The Superintendent Engineer, Water Resources Department, Aurangabad
6. The Executive Engineer, Sone High Level Canal Division, Aurangabad
7. The Collector, Aurangabad
8. The District Establishment Addl. Collector, Aurangabad

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Vinay Kriti Singh (Ga2)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-02-2024 Counsel for the petitioner and counsel for the State
present.

2. Counsel for the petitioner submits that the present writ petition has been filed for setting aside the order dated 29.10.2018 passed by the Chief Engineer, Water Resources Department, Aurangabad as contained in Annexure-7 and further directing the respondents concern for absorption/appointment of the petitioner on Class-IV post as grade-IV employee.

3. Counsel for the petitioner submits that petitioner were the seasonal employee engaged on daily wages for looking after the canal during the period of irrigation in East Sone High Level Canal Division, Aurangabad, for more than five years and in the light of the Policy Decision of 2011, the Government has to make absorption/appointment of daily wages employees as Class-IV employees on the basis of their working man days and experience.

4. In response, thereof, Counsel for the petitioner submits that the petitioner has not covered in the light of Policy



Decision of 2011. Counsel for the State further submits that in the light of the case decided by this Hon'ble Court, Government of *Bihar Office Attendant (Recruitment and Service Conditions) Rules, 2023* on 22nd September, 2023.

5. Counsel for state submits that at the time of filing the writ petition, the petitioners are not working in any of the organization and therefore, he has no right so they are not entitled for any regularization of service.

6. In the light of the submissions of the parties, this Court disposed of the writ petition i.e. that in the light of the 2023 Rule i.e. *Bihar Office Attendant (Recruitment and Service Conditions) Rules, 2023* if petitioner found eligible then he shall appear in the appointment process whenever it shall be started, and the state shall consider his case according to the said Rule.

(Dr. Anshuman, J)

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