

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2066 of 2019

1. Ajay Kumar Son of Sri Naresh Yadav, Resident of Village- Dashrath Bigha, Police Station and P.O.- Karpi, District- Arwal.
2. Atmesh Kumar, Son of Sri Matan Singh, Resident of Village- Khaderu Bigha, Police Station Karpi, District- Arwal.
3. Yogendra Kumar, Son of Sri Ram Nihora Sharma, Resident of Village- Sarauti, Police Station and P.O. Rampur Chauram, District- Arwal.
4. Dinanath Goswami Son of Sri Ganga Goswami, Resident of Vilalge- Arwal Sipah, P.O. and P.S. and District- Arwal.
5. Sumant Kumar, Son of Sri Ram Naresh Singh, Resident of village- Paswa, P.O.- Dhanav, P.S.- Daudnagar, District- Aurangabad.
6. Vikas Kumar, Son of Sri Rajendra Singh, Resident of Vilage- Tejpura, P.O.- Baidrabad, P.S.- Rampur Chauram, District- Arwal.
7. Dhananjay Kumar, Son of Sri Bajrangi Sharma, resident of Village- Sarauti, P.S. and P.O.- Rampur Chauram, District- Arwal.
8. Raju Kumar Son of Suresh Prasad, resident of Vilage- Arwal Sipah, P.O.- Arwal, P.S. and District- Arwal.
9. Md. Mansur Alam Son of Md. Gulam Ahmad, Resident of Village Faridabad, P.O.- Arwal, P.S. and District- Arwal.
10. Sujit Kumar, Son of Pannu Vishwakarma, resident of Village and P.O.- Kochhasa, P.S.- Kinjar, District- Arwal.
11. Sanjay Kumar Patel Son of Nandlal Singh, Resident of Village- Radhe Bigha, P.O.- Belkhara, P.S.- Karpi, District- Arwal.
12. Sanjay Kumar Kapoor Son of Vinay Kumar, Resident of Village- Shahid Keshwar Path Arwal Sipah, P.O. and P.S. and District- Arwal.
13. Ramesh Kumar Verma, Son of Punaras Verma, Resident of Village Ahiyapur, P.O. and P.S.- Bikram, District- Arwal.
14. Nagendra Kumar, Son of Sakhi Paswan, Resident of Village- Khangah, P.O. and P.S. and District- Arwal.
15. Shesh Kumar Ranjan Son of Bhuvneshwar Thakur, Resident of Village and P.O.- Shekhpura, P.S.- Rampur Chauram, District- Arwal.
16. Anand Kumar, Son of Nawal Kishore Singh, Resident of Village P.O. - Prasadi English, P.S. and District- Arwal.
17. Rakesh Kumar Singh, Son of Ram Prasad Singh, Resident of Village- Madhurapur, P.S.- Bidupur, District- Vaishali.
18. Pramod Kumar, Son of Rambriksh Prasad, Resident of Village- Daulachak, P.S. Mainpura Chanda, P.S. Kaler, District- Arwal.
19. Binod Kumar Nirala, Son of Dwarika Yadav, Resident of Village- Saidpur, P.O.- Pinjarwan, P.S.- Kurtha, District- Arwal.
20. Shipu Kumar, Son of Munshi Rajak, Resident of Village and P.O.- Bhadasi, P.S. and District- Arwal.



21. Surendra Kumar, Son of Rameshwar Chauhan, Resident of Village- Konhua,
P.O.- Khiriyawan, P.S.- Salaiya, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Land Reform and Revenue Department, Government of Bihar, Patna.
3. The Secretary, Chief Minister Secretariat, Govt. of Bihar, Patna.
4. The Additional Secretary, Land Reforms and Revenue Department, Government of Bihar, Patna.
5. The Deputy Secretary, General Administration Department, Govt. of Bihar, Patna.
6. The Director, Land Record and Survey, Land Reforms and Revenue Department, Government of Bihar, Patna.
7. The Special work Officer, Land Record and Survey, Directorate of Land Record Survey, Land Reforms and Revenue Department, Government of Bihar, Patna.
8. The District Magistrate/Collector-cum-District Survey and Settlement Officer, Arwal.
9. The District Consolidation Officer, Arwal.
10. The Additional Collector, Arwal.
11. The Sub Divisional Officer, Arwal, District- Arwal.
12. The Circle Officer, Arwal, District- Arwal.
13. The Circle Officer, Kaler, District- Arwal.
14. The Circle Officer, Kurtha, District- Arwal.
15. The Circle officer, Karpi, District- Arwal.
16. The Circle Officer, Bansi District- Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Sneha Ranjan with
Ms Sristy Patel and
Ms Chamanprit Kaur, Advocates
For the State : Mr. Atul Shankar, AC to SC 19

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 24-10-2024

Heard Ms. Sneha Ranjan, learned Advocate for the
petitioners and Mr. Atul Shankar, learned Advocate for the State.

2. The petitioners claim to have been working regularly



against the vacant post of Amin for more than 240 days in each year for the last five years, seeking a direction upon the respondents to consider their cases for regularisation of their services in view of Memo No. 7365/Patna dated 29.06.2011 issued by the Deputy Secretary, General Administration Department, Government of Bihar.

3. Learned Advocate for the petitioners contended that pursuant to an advertisement published on 08.09.2012 for appointment on the post of Amin on contractual basis, all the petitioners had applied for the said post. After following all the procedures, a merit list of Amin was prepared wherein, out of 26 candidates, the petitioner Nos. 1 to 7 were also found place. It is further contended that similar advertisement was also issued in the year 2013 and several other persons, including the petitioner nos. 8 to 18 were selected on the post of Amin as a daily wager. Despite having worked for so many years, when the case of the petitioners have not been considered for regularisation, they approached before all the authorities concerned, however having found no succor, they approached this Court.

4. A counter affidavit has been filed on behalf of respondent nos. 8 to 10. Categorical averment has been made



that the petitioners were engaged on the post of Amin purely on temporary basis and during their engagement the State has never given any assurance for their absorption in government service. The condition set down in the advertisement was explicit that the petitioners shall not be treated as government servant and would not be entitled to get any benefit at par with the government employees. They shall only be entitled for the remuneration and any claim for their regularisation shall not be considered.

5. Learned Advocate for the State further contended that the petitioners had never been engaged against the sanctioned and vacant post of Amin and they had been working purely on contractual basis which do not entitle them for their absorption on the post of Amin.

6. At this juncture, learned Advocate for the petitioners urged before this Court that if the petitioners shall be given a chance to represent before the concerned respondents they would be satisfied.

7. In view of the prayer made by the learned Advocate for the petitioners and taking note of the fact that the petitioners had served the concerned Department for a certain period, this Court deems it fit and proper to dispose off the writ petition



with liberty to the petitioners to approach before the concerned authority, if so advised, for the reliefs prayed for in the writ petition.

8. Accordingly, the writ petition stands disposed off with the liberty aforesaid.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.10.2024
Transmission Date	

