

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4804 of 2018

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Bishnukant Thakur son of late Sukhdeo Thakur Resident of Village Kampur,
P.O. Mahrail, P.S. Rudrapur, Via Jhanjharpur, District Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Water Resources Department, Bihar, Patna.
4. The Commissioner, Darbhanga.
5. The Collector, Darbhanga.
6. The Collector, Madhubani.
7. The Engineer-in-Chief, Irrigation Creation, Water Resources Department, Patna.
8. The Chief Engineer, Irrigation Creation, Water Resources Darbhanga.
9. The Superintending Engineer, Western Koshi Canal Circle Madhubani.
10. The Executive Engineer, Western Koshi Canal Division, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Amarendra Narayan, Adv
For the Respondent/s	:	Mr.Harish Kumar -Gp8
		Mr. Sudhanshu Adv

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 09-01-2024 Heard learned counsel for the petitioner and counsel
for the State.

2. Counsel for the petitioner submits that the petitioner has filed writ petition seeking to regularize in the service by virtue of Resolution No. 639 dated 16.03.2006.

3. Counsel submits that the petitioner fulfills all the criteria as mentioned in the said resolution. There is vacancy also, but then his case has not been considered and defective list



of candidates were prepared without considering the seniority of daily wages employee.

4. Counsel for the petitioner submits that this Hon'ble Court vide order dated 07.07.2017 passed in C.W.J.C. No. 692 of 2017 has considered all those aspects on the basis of which the petitioner is claiming entitlement.

5. Counsel for petitioner further submits that the case of the petitioner is to be considered in the light of the Clause 4.C(1) of Bihar State Litigation Policy, 2011.

6. Counsel for the State on the other hand submits that the final order has been passed by the Collector, Madubani vide Memo No. 883 dated 06.06.2015 by which the case of the petitioner was considered.

7. Counsel for the petitioner submits that in the final list issued by the Collector, Madhubani, the petitioner's name was listed in the last of seniority in the Sr. 14. Therefore, there is no scope for petitioner and this case is fit to be rejected.

8. In response, the counsel for petitioner submits that from the document, it is very much clear that on the date of issuance of final list, one Binod Parsad, who was at Serial No. 1 has already been retired, and therefore, there was entitlement of the petitioner, but the District Magistrate has not considered the



same.

9. In the light of the submissions made particularly when the petitioner put emphasis at the time of argument that this case is duly covered by the case of ***Pandav Yadav Vs. State of Bihar and Ors. passed in C.W.J.C. No. 692 of 2017*** dated 07.07.2001 and in the light of 4.C(1) of Bihar State Litigation Policy, 2011 which states as follows:

“A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/applicant employee/ citizens, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner. The government Departments would be acting as efficient litigants.”

10. This Court hereby directs the District Magistrate, Madhubani that he shall consider the case of the petitioner afresh and if it has been found that the case of the petitioner comes within the perview of the above said Judgment then in the light of section 4.C(1) of Bihar State Litigation Policy, 2011, he shall take necessary decision granting relief to the petitioner within 90 days from the date of filing of the representation along with the production of the order.

11. If in any case, the petitioner found not fit then the District Magistrate, Madhubani shall pass reasoned and



speaking order considering the said judgment as well as the said law 4.C(1) of Bihar State Litigation Policy, 2011.

12. Accordingly, this writ petition is disposed of.

(Dr. Anshuman, J)

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