

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10334 of 2024

-
1. Bhuneshwar Pandit son of Late Aanandi Pandit, Resident of village- Baget Khutahri, Chandpur, P.S.- Meharawa, District- Godda, State- Jharkhand.
 2. Vindeshwari Prasad Yadav, Son of Late Changuri Yadav, Resident of village- Shankarpur, P.S.-Moffussil, District-Munger.
 3. Hiralal Ram, Son of Late Muneshwar Ram, Resident of village- Dayal Chak, P.S.-Sakurabad, District- Jehanabad.
 4. Bala Ram Singh, Son of Late Vaidyanath Prasad Singh, Resident of village- Badalpura, P.S- Mattihani, District-Begusarai.
 5. Shyam Sundar Singh, Son of Late Rameshwar Prasad Singh, Resident of village- Lalpur, P.S.- Chhotum, District-Khagariya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna
2. The Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna
3. The Principal Secretary, Department of Finance, Bihar
4. The Principal Secretary, General Administrative Department, Bihar, Patna.
5. The Chief Engineer, Mainor Water Resources Department, Bhagalpur.
6. The Superintending Engineer, Minor water Resources Department Munger Circle, Munger
7. The Executive Engineer, Minor water Resources Department, Minor Irrigation Division, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 09-07-2024 The petitioners were engaged as Daily Wage Labourers on different dates in the year 1983 in Water Resources Department, Government of Bihar, Patna. They were posted on field in the District of Begusarai. Subsequently, they were posted in the office and performed office works as



submitted by the petitioner. On 10.03.2006, the Government has taken a policy decision that any employee of Class-IV, having been appointed and having completed 240 days working as a daily wages prior to 11.12.1990, would be entitled to be considered for regularization.

2. It is needless to say that similarly placed daily wagers appointed in different departments under the Government of Bihar filed writ petitions and this Court disposed of all the writ petitions tying them together with CWJC No.11533 of 2018. In para-8 of the said decision, it is observed by a coordinate Bench of this Court that three petitioners, namely, Dina Nath Jha, Devanand Jha and Ram Chandra Singh were found entitled for absorption under 2006 Policy but they were left out because the then Committee did not examined their cases. Keeping in view the judgment of this Court and the affidavit of the State filed by the Additional Advocate General in the said proceeding, this Court directs the respondents to consider the case of these three persons also for the purpose of giving them benefit of regularization. It is well settled that a person cannot be allowed to suffer for the wrong committed by the authorities. In para-11 of the said judgment it is observed as follows :-



“11. The matters which relate to other Department shall be referred to those department within a period of one month from the date of communication of this Court. Since there is no denial of the fact that the posts are still available, the respondents are expected to do the complete exercise with all endeavours to confer the same benefits to the petitioners which have been allowed to others similarly situated. Several cases have been cited at the Bar and this Court has taken note of those instances in its orders which have already been quoted hereinabove in which this Court has noticed that how the department has conferred benefits to several persons in different situations.”

3. In view of such decision present petitioners are entitled to be considered for absorption on the basis of the policy decision dated 16.03.2006. Therefore, the instant writ petition is disposed of directing the respondents authorities to consider the cases of the petitioners in the light of policy decision vide Memo No.639 dated 16.03.2006 for their absorption. It is made clear that if the case of the petitioners are found to be genuine, they are entitled to get the similar relief as that of the petitioners of CWJC No.11533 of 2018 and analogues writ petitions and orders regarding their regularization they are entitled to get the scale of pay as



admissible to Group-IV employees from the date of their regularization.

4. Accordingly, the present writ petitions is thus, disposed of.

(Bibek Chaudhuri, J)

mdrashid/-

U			
---	--	--	--

