

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12649 of 2024

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Raja Bali Ram Son of Sudarshan Ram, Resident of Village Shahpur, P.S. Shahpur, District Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural, Development Department and Panchayti Raj Department, Government of Bihar.
2. The District Magistrate of Bhojpur, Ara.
3. The Block Development Officer, Shahpur Block, District Bhojpur
4. Sub Divisional Officer, Jagdishpur, Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Singh, Advocate
For the Respondent/s : Mr. Government Pleader (07)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 27-08-2024 Heard learned counsel appearing on behalf of the petitioner and the learned GP no.7 for the State.

2. Learned counsel appearing on behalf of the petitioner seeks to file a detailed representation for the relief(s) as prayed for in paragraph no.1 of the present writ petition, which is *inter alia* as follows : -

“(i) For issuance of an appropriate writ/order or direction to the respondents for regularization of this petitioner on the sanction and vacant Post of Sweeper (Jharukas) Class-IV who was working in the Office of Respondent No.3 since 2016 as contained in Annexure-2.

(ii) For issuance of an appropriate writ/order or direction to respondents for abide the Article-14, 16, 21 and 46 of the Constitution of India which has been ignored and avoided by the respondents and specifically by Respondent No.2.

(iii) For issuance of appropriate writ/order or direction to respondents for payment for remaining work done period as a daily wages worker in Office of Respondent No.3 for years.

(iv) For issuance of appropriate writ/order or



direction to Respondents as required at the time of hearing and other reliefs sought for adjudication.”

3. Learned counsel appearing on behalf of the petitioner informs that the petitioner is regularly working on the sanctioned post of Sweeper (Jharukas), being a Class-IV employee in the Office of Respondent No.3 (The Block Development Officer, Shahpur Block, District Bhojpur), continuously since the year 2016 and a recommendation in this regard has been made to the District Magistrate to consider his regularization vide Letter No.962 dated 06.07.2022 by the Block Development Officer, Shahpur, District-Bhojpur giving the details of all the such employees contained in Memo No.236 dated 03.03.02016, however, the District Magistrate-cum-Collector has not considered the case of the petitioner till date in spite of the admitted position that the petitioner has been working since 01.01.2016 till 18.06.2018 and the petitioner is not being paid his salary.

4. Considering the aforesaid information given on behalf of the petitioner and the fact that the post is vacant and work has been taken on daily wage basis again from 01.10.2019 till 31.10.2019 and, thereafter, the petitioner was again engaged from time to time and to that effect, certificates have been issued by the Block Development Officer till 08.09.2021. The



discontinuation of the petitioner from work will not affect considering the fact that the post of Jharukas is vacant and the District Magistrate is not taking any effort either to regularize or appoint Jharukas.

5. In view of the fact that the several requests have been made by the Block Development Officer, Shahpur from time to time, but the District Magistrate, Ara at Bhojpur has not taken any steps either to regularize or advertise the post for filling up the vacancy, I find it proper to direct him to take action in this regard so that the petitioner and similarly situated persons cannot be deprived of their legal rights, who have worked continuously for several years, which entitles them to be considered to be regularized in light of the laws laid down by the Apex Court in case of **Secretary, State of Karnataka & Ors. Vs. Uma Devi & Ors.** reported in (2006) 4 SCC 1, as well as, in the light of the provisions of the Bihar Service Code.

6. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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