

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6815 of 2018**

1. Saryug Prasad, son of Late Ram Sharan Yadav resident of At Rajgir Ganj, near Panditpur Block, Rajgir, District - Nalanda.
2. Shyam Kumar Prasad, son of Damodar Prasad resident of Village - Lahthan, PO - Lahthan, PS - Agyaon Bazar, District - Bhojpur Ara.
3. Sunil Kumar, son of Late Bhagwan Mistry resident of at Shiv Asthan Colony, PO and PS - Rajgir, District - Nalanda.
4. Anoj Kumar Choudhary, son of Late Bhoti Ram resident of Paschim Darwaja, Nai Sadak, Nawab Bahadur Road, PO and PS Khajekalan, District - Patna.
5. Dinanath Jha, son of Late Mathura Nath Jha resident of Village - Sakra, PO - Basti Bigha, District - Nawada.
6. Sanjay Thakur, son of Late Ramswaroop Thakur resident of Village - Rasalpur, PO - Tulsi Garh, PS - Chandi, District - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Public Health Engineering Department, Government of Bihar, New Secretariat, Patna.
2. Principal Secretary, Public Health Engineering Department, Government of Bihar, New Secretariat, Patna
3. Engineer-in-Chief, Public Health Engineering Department, Vishweshwaraiya Bhawan, New Secretariat, Patna
4. Chief Engineer Mechanical, Public Health Engineering Department, Vishweshwaraiya Bhawan, New Secretariat, Patna.
5. Superintending Engineer, Public Health Engineering, Biharsharif, Nalanda.
6. Executive Engineer, Public Health Sub-Division, Biharsharif, Nalanda.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr. Akashdeep, Adv.<br>Mr. Shyameshwar Kumar Singh, Adv.<br>Ms. Kanchan Kumari, Adv. |
| For the Respondent/s | : | Mr. S.Raza Ahmad (AAG-5)                                                             |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      18-03-2024                      Heard learned counsel for the petitioners and learned  
counsel for the State.

2. The present writ petition has been filed for



directing the respondents to place the petitioners in the list of Daily Wage employees from the date of their initial engagement in the year 1985 as directed by order dated 05.11.2004 in Civil Writ Jurisdiction Case No.6808 of 1999 and consequently to regularize the services of the petitioners as has been done in case of similarly situated persons engaged on daily Wages after the petitioners.

3. Learned counsel for the petitioners submit that the petitioners have contested their grievances before this Hon'ble Court in C.W.J.C. No.6808 of 1999, then in Letters Patent Appeal No.32 of 2006 and subsequently in S.L.P. (Civil) No. 18377 of 2008. By virtue of the order passed by the Writ Court, L.P.A. Court and the Hon'ble Supreme Court, their services are still saved. Counsel further submits that other persons whose case is much inferior than the petitioners were already granted benefit and regularized. But, the petitioners who are more senior in the age as well as senior in the service have not been considered, whereas, the case of other persons who are junior to the petitioners in date of birth as well as in service were considered. In this regard, counsel for the petitioners has annexed Annexure-6 to the writ petition by way of reply to the counter affidavit.



4. Learned counsel for the State submits that on the point of regularization that there is no pleading in the counter affidavit. But he submits that regularization can only be made in the light of notification of 2006. Counsel further submits that he only assures to this Court that on petitioners representation, the authority shall definitely take a decision within a fixed period of time.

5. In this background and upon hearing the parties, this Court is of the firm view that the case of the petitioners is on a better footing than that of those persons who are mentioned in the list attached as Annexure-6.

6. It is also clear to this Court that the petitioners have remedy under Rule 4(C) of the Bihar Litigation Policy, 2011 and the respondent is duty bound to pass a reasoned and speaking order after taking decision with regard to the regularization of the petitioners.

7. In this background, The Chief Engineer Mechanical, Public Health Engineering Department, Vishweshwaraiya Bhawan, New Secretariat, Patna (respondent no.4) is directed to take a decision with regard to the petitioners considering their case in comparison with those persons mentioned in Annexure-6 as well as the representation attached.



8. It is advisable to the petitioners to file a fresh representation attaching both the documents within two weeks from today and the authority concerned i.e. The Chief Engineer Mechanical, Public Health Engineering Department, Vishweshwaraiya Bhawan, New Secretariat, Patna (respondent no.4) is directed to pass a reasoned and speaking order within 90 days thereafter.

9. With the aforesaid observations and directions, this writ petition is hereby disposed off.

**(Dr. Anshuman, J.)**

Divyansh/-

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