

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19510 of 2024

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Jitendra Kumar Son of Nand Kishore Ram, Resident of Village - Lakri Dhai
Chandwara Anand Bag Colony ward no. 45, P.S.- Town Muzaffarpur, District
- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Home and Public Department, Government of Bihar, Patna.
2. The Director of Prosecution, Prosecution Directorate to Government of Bihar, Patna.
3. The Assistant Director, Directorate of Prosecution, Home Department, Government of Bihar, Patna.
4. The Deputy Secretary, Home and Public, Government of Bihar, Patna.
5. The Director, Prosecution Directorate, Old Secretariat, Government of Bihar, Patna.
6. The District Magistrate, Muzaffarpur.
7. The District Prosecution Officer, Muzaffarpur.
8. The Sub Divisional Officer, Prosecution Office, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Respondent/s : Mrs. Manisha Singh, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-01-2025 Heard the parties.

2. The petitioner prays for issuance of writ in the nature of mandamus seeking a direction upon the respondents to regularize the services of the petitioner on a regular post of Class-IV employee and extend the salary of basic pay scale of Class-IV employees since 2002, along with other consequent benefits. The grievance of the petitioner as averred in the writ petition is to the extent that despite he has been discharging his



duty as a sweeper and peon in the office of respondent no. 3 since 2002, till date, neither the claim of the petitioner has been considered for regularization nor he has been extended the minimum scale of pay, as has been granted to other similarly situated persons.

3. It is the contention of the petitioner that one Ashok Paswan, who was also similarly placed and had been discharging the duty of sweeper, had approached this Court in CWJC No. 6368 of 2010. However, on being aggrieved with the order of the learned Single Judge, has moved before the learned Division Bench of this Court in LPA No. 1117 of 2013, wherein, the learned Division Bench has directed to consider the case of the appellant (Ashok Paswan) and regularize his service as sweeper, forthwith, the copy of the order has been placed on record as Annexure-1.

4. Learned Advocate for the State submits that *prima facie* from the order of the learned Division Bench of this Court, it appears that the said Ashok Paswan was working against the sanctioned post. The claim of the petitioner is required to be considered by the competent authority.

5. In view of the submissions advanced on behalf of the learned Advocate for the respective parties, this Court



directs the respondent no. 2 to consider the claim of the petitioner, as prayed for in the writ petition, preferably within a period of twelve weeks, from the date of receipt/production of a copy of this order, in accordance with law.

6. Suffice it to observe that in case, the claim of the petitioner finds favour, necessary consequential order is to be passed. However, in case, the claim of the petitioner is negated, it must be followed by reasoned and speaking order.

7. The writ petition stands disposed off.

(Harish Kumar, J)

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