

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.207 of 2025

1. Vinay Kumar Son of Upendra Prasad, Resident of Village/Mohalla - Golapur, Maghra, P.S. - Deep Nagar, District - Nalanda At present posted as Driver, Head Quarter, Home (Prison) Department, Govt. of Bihar, Patna.
2. Anup Kumar, Son of Ramagya Ram, Resident of Village/Mohalla - Vishnupuri, Chitkohra, P.S. Gardanibag. District Patna At present posted as Driver. District Jail, Hajipur, Home (Prison) Department, Govt. of Bihar, Patna.
3. Kamlesh Kumar, Son of Umesh Prasad, Resident of Village/Mohalla Asrafganj, P.S.- Dhanarua, District - Patna At present posted as Driver, District Jail, Nawada, Home (Prison) Department, Govt. of Bihar, Patna.
4. Gajendra Kumar, Son of Gorakh Singh, Resident of Village/Mohalla Phulpura, P.S. Dhanarua, District - Patna At present posted as Driver, District Jail, Bhabhua, Home (Prison) Department, Govt. of Bihar, Patna.
5. Akbal Ahmad Ansari, Son of Sariful Hak, Resident of Village/Mohalla Tala, P.S.- Adhaura, District Bhabhua (Kaimur) At present posted as Driver, District Jail, Sasaram, Home (Prison) Department, Govt. of Bihar, Patna.
6. Ganesh Paswan, Son of Raghunandan Paswan, Resident of Village/Mohalla Pipra, Parsa, P.S. Parsa Bazar, District - Patna At present posted as Driver, District Jail, Ara, Home (Prison) Department, Govt. of Bihar, Patna.
7. Sunny Kumar, Son of Upendra Prasad, Resident of Village/Mohalla Golapur, P.S. - Deep Nagar, District- Nalanda At present posted as Driver, District Jail, Bihar Sharif, Home (Prison) Department, Govt. of Bihar, Patna.
8. Santosh Kumar Tiwari, Son of Ram Pratap Tiwari, Resident of Village/Mohalla Dariyapur, P.S. Parwalpur, District Nalanda At present posted as Driver, Sub Divisional Jail, Barh, Home (Prison) Department, Govt. of Bihar, Patna.
9. Amod Paswan, Son of Jageshwar Prasad, Resident of Village/Mohalla - Pramrai School, Nainha, P.S. Hajipur, District -Vaishali, At present posted as Driver, Sub Divisional Jail, Hilsa, Home (Prison) Department, Govt. of Bihar, Patna.
10. Shailesh Prasad, Son of Jay Pal Prasad, Resident of Village/Mohalla Goplapur, Singhara, P.S. Maner, District Patna At present posted as Driver, District Jail, Supaul, Home (Prison) Department, Govt. of Bihar, Patna.
11. Jitendra Kumar, Son of Surendra Singh, Resident of Village/Mohalla - Kichani, Harnaut, P.S. - Harnaut, District Nalanda At present posted as Driver, District Jail, Chhapra at Saran, Home (Prison) Department, Govt. of Bihar, Patna.
12. Guddu Kumar, Son of Masudan Ram, Resident of Village/Mohalla Athmalgola, P.S. Athmalgola, District Patna at present posted as Driver, Sub Divisional Jail, Bikramganj, Home (Prison) Department, Govt. of Bihar, Patna.
13. Anil Kumar, Son of Kusho Mahto, Resident of Village/Mohalla Bhagal Tola, P.S. Khagaria, District - Khagaria At present posted as Driver, District Jail, Kishanganj. Home (Prison) Department, Govt. of Bihar, Patna.



... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of General Administration, Govt. of Bihar, Old secretariat, Patna.
3. The Principal Secretary, Home (Prison) Department, Govt. of Bihar, Sardar Patel Bhawan, Jawahar Lal Nehru Marg (Bailey Road), Patna.
4. The Inspector General, Prisons and Correctional Services, Govt. of Bihar, Old Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. A.B. Sinha, Government Advocate (08)

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 16-01-2025 Heard both the counsels for both the parties.

2. It is submitted by the counsel for the petitioner that the petitioner no. 1 was appointed to the post of driver in the year of 2012 and other petitioners were appointed in the year 2014 under the respondent no. 4. Even after completion of more than 12 years, their services were not regularized. According to the counsel the case of the petitioners are squarely covered by the judgment passed by the Supreme Court in *Secretary, State of Karnataka vs. Uma devi (2006) 4 SCC 1* and also judgment passed by the supreme court in *Jaggo vs. Union of India & Ors. (2024 INSC 1034)*.

3. He further submit that in this regard, the petitioners had made their representation before the concerned respondents vide Annexure P-10 dated 16.10.2024 which is still pending.



Therefore, it is prayed by the counsel that this petition may be disposed of, directing respondent no. 4 to consider and decide the pending representation of the petitioner i.e. Annexure P-10 in accordance with relevant rules and laws as per the specific period fixed by the Court.

4. The above prayer is not opposed by the counsel for the respondents. It is submitted by her that if this Court directs the pending representation of the applicants will be decided by the respondent no. 4 within three months.

5. Therefore, on the basis of above submissions made by the counsels, the petition is disposed of, directing the respondent no. 4 to consider and decide the pending representation of the petitioners vide Annexure P-10 dated 16.10.2024 as early as possible probably within three months from the receiving of copy of this Order in accordance with relevant rules and laws and further taking into observation made by the Supreme Court in the case of *Uma Devi* (supra) and *Jaggo* (supra).

6. With the aforesaid observation this writ petition is disposed of.

(Arvind Singh Chandel , J)

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