

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9495 of 2008

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1. Ghanshyam Jha son of late Krishna Ballabh Jha, resident of Village + P.O. + P.S. Bangaon, District- Saharsa.
 2. Rajendra Jha, son of late Baidyanath Jha, resident of Village + P.O. Rahua (Tusiyahi), P.S.- Bihra, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Commissioner-cum-Secretary, Public Health Engineering Department, Bihar, Patna.
3. Chief Engineer-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. Superintending Engineer, Public Health Engineering Department, Circle Saharsa, District- Saharsa.
5. Executive Engineer, Public Health Engineering Department, Public Health Division, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate.

For the Respondent/s : Mr. Karandeep Kuamr, AC to GP 04

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 10-08-2015

Heard learned counsel for the parties.

2. While this Court is not inclined to interfere with the impugned order or the relief sought in this writ application reading as follows:

"1. That this writ application is being filed for issuance of writ in the nature of certiorari for quashing the letter dt. 7.12.2006 issued by respondent Executive Engineer by which service of the petitioners have been regularised on the IVth grade post whereas petitioners were worked in the 3rd grade post as work Sarkar since 1980 in pursuance of the letter issued by the respondents and further issued direction to the respondent for regularized the service of petitioners on the post of work sarkar on the ground since date of appointment of the Master Role (in the year 1980) to till date of issuance of order impugned they were working in the 3rd grade post

and further issued direction to respondents affirmed the letter dt. 24.1.1996 issued by the respondent no. 3 by which services of the petitioner on the post of work Sarkar had regularized and further give other legal consequential benefit attached to the post.",

only on the basis that subsequently, the Government, vide its resolution dated 17.10.2013, has taken a decision for regularising such work charge employees by creating shadow post in regular establishment till their continuation in service inasmuch as this provision was definitely not there when the impugned order was passed on 7.12.2006.

3. Nothing said in this order, however, shall come in the way of the petitioners in representing their case before the competent authority for at least giving them the prospective benefit of the aforementioned government decision contained in resolution dated 17.10.2013. This Court, however, immediately must clarify that whatever decision is taken with regard to petitioners must be based on the principles of Article 14 and 16 of the Constitution of India and in accordance with law.

4. With the aforesaid observation this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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