

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7754 of 2014

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Kameshwar Prasad Singh @ Kameshwar Singh Son of Late Kedar Singh, resident
of village - Kusumbhi Piro, P.S. Charpokhari, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Patna
2. The District Magistrate, Patna
3. The District Magistrate- cum-Chairman District Level Appointment Committee,
Patna
4. The Chief Engineer, Central Road Division, Road Construction Department,
Government of Bihar, Patna
5. The Superintendent Engineer, Central Road Division, Road Construction
Department, Government of Bihar, Patna
6. The Executive Engineer, New Capital Division, Road Construction Department,
Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey

For the Respondent/s : Mr. Raju Giri, GP-30

Ms. Aditi Hansaria, AC to GP-30

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 29-01-2015

Heard the parties.

The petitioner has filed the present writ petition seeking a
direction to the respondents to consider his case for appointment on
Class-IV post.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner was earlier engaged on daily wage basis on
the post of Road Roller Driver on 30.11.1984 and he is continuing on
that post. It is pointed out that the petitioner had earlier filed C.W.J.C.
No. 511 of 2003 before this Court, which was finally disposed of by
order dated 18.05.2004 (Annexure-2) with a direction to the
respondents to consider the case of the petitioner for regularisation on
the post of Road Roller Driver. It is also pointed out that by order
dated 21.09.2005 (Annexure-3), the petitioner was granted weightage

for his past service for the purposes of regularisation of his service, yet final order has not been passed regularising his service. In that view of the matter, the petitioner filed M.J.C. No. 2527 of 2004, but that was ultimately dismissed by order dated 26.04.2006 (Annexure-4) in view of the averments made in the show cause. According to the learned counsel, the petitioner, being not satisfied with the action of the respondents, filed another M.J.C. No. 2219 of 2007, which was also ultimately disposed of by order dated 11.03.2014 (Annexure-8) granting liberty to the petitioner to avail of appropriate remedy.

A counter-affidavit has been filed on behalf of the respondent no. 4, 5 and 6, wherein it has been stated that the petitioner worked only for 64 days in the year 1984, and for 242 days in the year 1985 and thereafter he is not in service of the respondent State.

The facts stated in the aforesaid counter affidavit have not been controverted by the petitioner by filing any rejoinder affidavit.

In the aforesaid facts and circumstances particularly in view of the averments made in the aforesaid counter-affidavit that the petitioner is no longer in service of the respondent State even on daily wage basis since 1986, this Court is not inclined to accede to the prayer made on behalf of the petitioner in the present writ petition.

In the result, the writ petition has to fail and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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