

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8012 of 2008

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Gopal Sharma S/o Sri Ramasraya Sharma, Resident of Village – Neura, P.S. Bihta,
District – Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Deputy Commissioner –cum- Engineer-in-Chief R.C.D. Patna.
3. The Chief Engineer, Mechanical Way, Road Construction Department, Patna
(Bihar).
4. The Superintending Engineer, Mechanical Circle, National High Way
Punaishak Patna (Bihar).
5. The Executive Engineer (Mechanical) Division Hazaribagh (Ranchi).

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra

For the Respondent/s : AC to Addl. Advocate General - 5

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 31-03-2015

Heard learned counsel for the petitioner and learned A.C.
to Addl. Advocate General – 5.

The petitioner, invoking writ jurisdiction of this Court under Articles 226 & 227 of the Constitution of India, has prayed for quashing of observation regarding age relaxation, as indicated in **Annexure ‘4’** to the writ petition.

The petitioner, who was earlier engaged as daily-wager, had approached this Court for regularization and on number of times writ petitions were rejected, vide C.W.J.C. No. 4242 of 1993 & C.W.J.C. No. 6775 of 1995 and prior to that one another writ petition filed by the petitioner, vide C.W.J.C. No. 3378 of 1983 was not entertained giving positive direction in favour of the petitioner.

However, for 5 & ½ years the petitioner was engaged and functioned and thereafter, removed and he filed another writ petition, vide C.W.J.C. No. 12632 of 1999, which was disposed of on 07-04-2005 with an observation that this Court had never considered the case of the petitioner for direction to regularize the services of the petitioner, however; while disposing of the writ petition, this Court directed the authorities *to consider the case of the petitioner for appointment to the post of Typist as and when appointment is made on the said post after giving him weight age for five and half years of engagement after relaxing his upper age for appointment on the Government post.*

After the order of the writ court, **Annexure '4'** has been issued by the respondent whereby it has been indicated that at the time of appointment the petitioner will be given weight-age of five and half years, which has been assailed by the petitioner.

On perusal of the Annexure '4', the Court is satisfied that this order was passed in consonance with the order passed in the writ court, vide C.W.J.C. No. 12632 of 1999. I do not find any ground to interfere.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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