

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16011 of 2007

=====

Md. Ainul Hoda son of Late Abdul Raja, resident of Mohalla-Sahganj, P.S.
Rafiganj, Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna
2. The Secretary cum Inspector General of Registration, Bihar, Patna
3. The Assistant Inspector General of Registration, Bihar, Patna
4. The Deputy Inspector General of Registration, Bihar, Patna
5. The Collector cum District Registrar, Aurangabad
6. The Sub Registrar, Daudnagar, Aurangabad

.... Respondent/s

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 12-05-2015

Heard the parties.

A counter affidavit has been filed. No rejoinder thereto
has been filed by the petitioner.

The petitioner was engaged as Extra Clerk in the
Registration office at Aurangabad vide communication dated
03.05.1983 (Annexure-1). Certain documents, in original, were
handed over to the petitioner which was/were misplaced or lost. An
order was issued to return back the documents in original. The
petitioner did not return the same. Accordingly, by office order no.
27/2003 dated 10.09.2003 (Annexure-5) he was disengaged. The
petitioner filed a writ petition in this Court thereagainst. The writ
application was withdrawn by order dated 07.03.2007 (Annexure-10)
enabling the petitioner to move the concerned authority for redressal

of his grievance. The respondents have considered the claim of the petitioner for re-engagement and rejected the same vide order dated 27.07.2007 (Annexure-11). The petitioner has impugned the aforesaid order in the present writ application.

In the counter affidavit the status of the petitioner as Extra Clerk has been explained. No right, according to the respondents, accrues in view of persons engaged as Extra Clerk as they have not been appointed on regular government post.

From the order dated 07.03.2007, it appears that the petitioner sought permission of the Court to withdraw the writ application reserving no right to approach again in case an adverse order is passed. Strictly speaking, the present writ application, in that view of the matter, is barred by the principles of estoppel in view of the ratio laid down in **Sarguja Transport Service vs. S.T.A. Tribunal, Gwalior (AIR 1987, S.C. 89)**.

Regard being had to the above, the writ petition merits to be dismissed. I order accordingly.

(Kishore Kumar Mandal, J)

HR/-

U			
---	--	--	--