

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7049 of 2008

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Ram Lal Paswan Son of Late Jageshwar Paswan, resident of village – Sonbarsa Sah,
P.O. Sonbarsa, P.S. Maniari, District Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar
2. Inspector General (Prison) Govt. of Bihar, Patna.
3. Superintendent of Central Jail, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Nirmal Kr.Sinha – 3
For the Respondent/s : Mr. Kumar Pankaj, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL JUDGMENT
Date: 25-03-2015

Heard Sri Nirmal Kumar Sinha-3, learned counsel for the
petitioner and Sri Kumar Pankaj, learned A.C. to Standing Counsel – 21.

The petitioner, invoking writ jurisdiction of this Court under
Article 226 of the Constitution of India, has prayed for directing the
respondents to regularize his service in Central Jail, Muzaffarpur, where
he was working as Safaikarmi.

It has been stated that the petitioner worked as Safaikarmi
from 10-09-1987 to 16-11-1991 and thereafter by order dated
17-11-1991 issued by the Superintendent, Central Jail, Muzaffarpur, the
petitioner was informed that no work shall be taken from him. By the
said order, besides petitioner, other similarly situated persons were
also informed.

Learned counsel for the petitioner, relying on an order passed by a Division Bench of this Court in C.W.J.C. No. 3181 of 1992, submits that the petitioner deserves the same relief.

Learned State counsel has opposed the prayer of the petitioner. He submits that even in the case on which reliance has been placed i.e. **Annexure '3'** to the writ petition, no order was issued for regularization, but only it was observed that as and when appointment is made the cases of the petitioners may also be considered in accordance with law. He further submits that the petitioner may not get any relief on the basis of order of the Division Bench (Annexure '3' to the writ petition), in view of the fact that the petitioners of the said writ petition had approached this Court immediately after the order was passed for stoppage of work in 1992 and thereafter, order was passed by this Court, whereas, the petitioner has approached this Court after about 17 years. Moreover, learned State counsel, referring to averment made in paragraph 7 & 8 of the counter affidavit, submits that in view changed circumstances, no such relief can be granted.

Keeping in view the fact that the petitioner was stopped functioning since 16th November, 1991 and he approached this Court by filing the present petition in the month of May, 2008, the petitioner may not even be considered to be granted relief as has been indicated

in **Annexure ‘3’** to the writ petition. Moreover, the Division Bench of this Court in C.W.J.C. No. 3181 of 1992 had not issued direction to regularize the services of the petitioners , but only it was indicated that as and when appointment is made the case of petitioners may be considered. After lapse of time, many development has taken place as stated in counter affidavit and as such, no relief can be granted to the petitioner.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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