

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12676 of 2011

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Arun Kumar Choudhary son of Ram Sagar Choudhary resident of Village
- Belha, P.S. Rosera, District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Public Health Engineering Department, Vishweshriya Bhawan, Patna
2. The Engineer In Chief, Public Health Engineering Department, Vishweshriya Bhawan, Patna
3. The Chie Engineer, Public Health Engineering Department, Vishweshriya Bhawan, Patna
4. Superintending Engineer, Public Health Engineering Department, Darbhanga
5. Executive Engineer, P.H.Division, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha

For the Respondent/s : AC to AAG No. 10

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3 03-03-2016 Heard Sri Gajendra Kumar Jha, learned counsel who was assisted by Sri Bam Bahadur Jha, learned counsel for the petitioner and learned AC to AAG No. 10.

The petitioner invoking writ jurisdiction of this court under Article 226 of the Constitution of India has made a peculiar prayer for directing the respondents to regularize his services.

In the writ petition itself it has been admitted that petitioner's service was terminated in the year 2002 itself vide

Annexure - '2' to the writ petition on the ground that appointment was illegal / irregular. The order of termination was never challenged by the petitioner and now taking aid of Government Circular i.e. Annexure – 'A' to the counter affidavit a prayer has been made for directing the respondents to regularize service of the petitioner.

Of course there was no reason to place reliance on any judgment but learned counsel for the petitioner has referred to a judgment of this court reported in **2016(1) PLJR 232 (Ashok Kumar Sharma & Ors. vs. The State of Bihar through the Chief Secretary & Ors.)**. He has specifically referred paragraph no. 7 of the said judgment. He has also placed paragraph no. 10 of **2016(1) PLJR 512 (Jai Kishun Ram & Ors. vs. The State of Bihar & Ors.)**.

After hearing learned counsel for the parties and considering the fact that petitioner's service was already terminated in the year 2002 itself on the ground of illegal / irregular appointment and the said order was never challenged, at subsequent stage the petitioner is not at all entitled to make a prayer for regularization. Moreover the claim of regularization can be raised in a case where a workman or employee is still continuing. Since the petitioner has not worked after 2002 there

can be no point for argument for directing to consider the case of regularization.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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