

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12185 of 2011

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Alok Kumar Verma, son of Shri Uma Shankar Prasad Verma, resident of Mohalla-Juran Chapra, Road No.3, P.O. Brahmpura, P.S. Sadar Muzaffarpur, District-Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Road Construction Department, Bihar, Patna
2. The Engineer-in-Chief, Road Construction Department, (P.W.D) Bihar, Patna
3. The Chief Engineer, Road Construction Department, (P.W.D.), Government of Bihar, Patna
4. The Superintending Engineer, Road Construction Department, (P.W.D.), North Bihar Circle, Maripur, Muzaffarpur
5. The Executive Engineer, Road Construction Department, (P.W.D.) Bettiah, West Champaran
6. The S.D.O., Road Construction Department (P.W.D.), Ram Nagar, Bettiah, West Champaran

.... Respondents

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Appearance :

For the Petitioner/s : Mr. RATAN KUMAR SINHA

For the Respondent/s : Mr. AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 26-04-2016

Heard Sri Ratan Kuma Sinha, learned counsel for the petitioner and learned AC to G.A.1.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has made a prayer for directing the Respondents to absorb him on Class-IV post after constituting a Board.

The petitioner, in the present writ petition, has pleaded that



he was appointed as Mazdoor along with others on daily wage basis in the year 1981 and worked in the said capacity. However, after 1983, he was provided no work. The petitioner, thereafter, approached this Court by filing a writ petition vide C.W.J.C. No.8369 of 1996, which was disposed of on 04.08.1997. This Court did not grant any positive direction or relief to the petitioner. However, it was observed that if Respondents fill up the Class-IV post on regular basis and if the petitioner applies for such appointment, in that case his case will be considered for appointment if the petitioner is found to be legible for such post.

Thereafter, according to the petitioner, advertisement was published and he participated in the selection process. However, the petitioner was not appointed nor he was informed about the result.

In this case, a counter affidavit has been filed on behalf of Respondent nos. 1 and 2 and a specific stand has been taken that the petitioner was engaged on Muster-Roll daily wages during the period of 1981 to February, 1983 in the Road Construction Department, Bettiah Road Division and he was disengaged on completion of work. However, in view of order passed by the writ court, an advertisement was published, in which number of persons, in whose favour similar orders were passed, were allowed to participate. Since the petitioner was not found suitable by the Selection Committee, consisting of

three Executive Engineers of North Bihar Circle, headed by the Superintending Engineer, North Bihar Circle, Muzaffarpur, he was not appointed, whereas other successful candidates were appointed against Class-IV post of Treasure Guard and Peons.

In view of facts and circumstances, it is evident that the petitioner even though had only worked as daily-wager during 1981 to 1983, in view of order passed in earlier writ petition, he was permitted to participate in the selection process, and he was not found suitable. Accordingly, I do not find any ground to pass any favourable order.

The petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

AFR/NAFR	
CAV DATE	
Uploading Date	30-04-2016
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