

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.9695 of 2014**

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Umesh Prasad Singh Son of Late Shiv Pujan Singh Resident of Village- Kurthaul,  
P.S- Parsa Bazar, District- Patna.

.... .... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Road Construction Department, Bihar, Patna
3. The Secretary, Road Construction Department, Bihar, Patna.
4. The Engineer in Chief Cum Special Secretary Cum Additional Commissioner,  
Road Construction Department, Bihar, Patna.
5. The Superintending Engineer, Saran Road, Circle, Hazipur.
6. The Executive Engineer, Road Division, Chapra.
7. The Asstt., Engineer, Road Sub Division No. 2, Chapra.
8. The Accountant General, Bihar, Patna

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Yogendra Kumar Singh, Advocate  
For the Respondent State: Mr. Rakesh Ambastha, AC to AAG-7  
For the Respondent AG: Mr. Bindhyachal Rai, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 19-12-2016**

Heard counsel for the petitioner and counsel for the  
  
State.

Prayer of the petitioner for regularization was rejected  
  
vide Annexure-8. This was the cause of action for the petitioner to  
approach the Court and seek its quashing. Besides a speaking order  
has also been passed in Annexure-9, which too is under challenge.

Though the two impugned orders dated 10.07.2013 and  
  
01.08.2013 clearly indicate the reasons for rejection of the claim of  
the petitioner for regularization and then corresponding payment of



pension, gratuity etc. as well, the Court directed the State authorities to file a counter affidavit in detail.

Besides what has been stated in the counter affidavit with regard to the service history of the petitioner, in support thereof Xerox copy of the service-book of the petitioner was annexed as Annexure-A.

To verify the authenticity of the document, the Court ordered the original service-book to be produced, which has been produced. The service-book was also shared with the counsel for the petitioner after the Court went through the same.

There are large gaping holes in the story of the petitioner with regard to his continuous working. In fact, the findings are that the petitioner has been missing for long periods of time and had not rendered regular service. Besides the status which he held as work charge.

With the saying that the people may lie but record do not lie, this Court will not interfere with the findings given in Annexure-8 and 9 as they do not suffer from any irrationality. The original service record of the petitioner in fact supports the reasons for rejection of the claim of the petitioner.

No relief, therefore, can accrue to the petitioner by quashing Annexure-8 and 9.



Writ has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

Pawan/-

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