

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16101 of 2008

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1. Parmendra Kumar Singh, son of Sri Ram Sewak Singh, resident of village Balgovind Bigha, P.S. Dehri-on-sona, District Rohtas at Sasaram.
 2. Kamlesh Kumar, son of Sri Ram Sakal Singh, resident of village Patanawa, P.S. Indrapuri, District Rohtas at Sasaram.

.... Petitioners

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Road Construction Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
2. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
3. The Chief Engineer, Central Design Organization (C.D.O.), Road Construction Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, National Highways Circle, Dhanbad.

.... Respondents

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Appearance :

For the Petitioners : Mr. S.B.K. Mangalam
For the Respondents : Mr. P.K. Verma, Sr. Advocate, AAG-5
Mr. Mankeshwar Tiwary, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

2 04-03-2016 The petitioners have challenged the instant writ application with the following prayers, which are quoted hereinbelow:-

“(i) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 25.10.2000 passed by the respondent no. 3 and contained in his Memo no. 842 dated 25.10.2000, whereby and whereunder the Respondent no. 3 was pleased to terminate the services of the petitioners on the ground that after an enquiry, their appointment has been found to be irregular.



(ii) *For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for reinstatement of the petitioners in service to the post which they were holding at the time of termination of their services with the arrears of salary and other consequential benefits of service for which writ petitioners would have been entitled had they not been terminated from their service under the illegal orders passed by the Respondent no. 3.*

(iii) *For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners would be entitled under the facts and circumstances of the case.”*

It appears from Annexure-6, annexed by the petitioner himself, that they have challenged the order dated 25.10.2000 in C.W.J.C No. 11900 of 2000. The writ application was disposed of on 30.11.2006 with the following observations, which is quoted hereinbelow:-

“On a consideration of the facts and circumstances of the case, it is directed that if the respondents proceed to make appointment on class 4 posts of Laboratory Khalasi, then they shall consider the case of the petitioners also giving them the benefits of relaxation of age to the extent they have actually worked on the said post in the said Organization on ad hoc basis.

The writ application is accordingly disposed of with the aforesaid observations and directions.”

The petitioners have again challenged the said order,
which would not be permissible in law.

The writ application is accordingly dismissed.

(Samarendra Pratap Singh, J)

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