

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.326 of 2013

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Awadhesh Kumar Singh, Son of Sri Radha Krishna Singh, Resident of Majhouni
P.S. Rajaun, District - Bhagalpur

.... Petitioner

Versus

1. The State Of Bihar Through The Chief Secretary, Bihar, Patna
2. Secretary, Building Construction And Housing Department, Government Of Bihar, New Secretariat, Patna
3. Superintending Engineer, Building Construction And Housing Department, South Bihar Circle, Punaichak, Government Of Bihar, Patna
4. Engineer-In-Chief, Building Construction And Housing Department, Government Of Bihar, New Secretariat, Patna
5. Executive Engineer, Building Construction And Housing Department, Patna Division, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.S. Pradhan, Senior Adv.

: Mr. Dr. Pankaj, Adv.

For the Respondent/s : Mr. Upendra Pratap Singh, A.C. to S.C.-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-08-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner is challenging the Memo
No.2013(H) dated 09.05.2002 issued under the signature of
Secretary, Building Construction Department, Government of Bihar,
Patna. Further prayer has been made to consider his case in light of

the order dated 31.1.2002 passed by this Court in C.W.J.C. No.8269 of 2000.

3. The petitioner was appointed on ad-hoc basis as a clerk since 07.02.1985, but his services could not be regularized. The petitioner approached this court in C.W.J.C. No.8269 of 2000, which was disposed of by this Court on 31.01.2002 with the following directions:-

“In this view of the matter, the authorities concerned are directed to consider the case of the petitioner for his appointment if vacancies for their appointment on regular basis are available and necessary direction shall be issued in accordance with law. The petitioner, however, will make a representation before respondent No.1 the Secretary, Building Construction and Housing Department, Government of Bihar, Patna in this regard which shall be considered and disposed of in the light of the direction aforesaid. This exercise, however, must be completed by the authorities within a period of three months from today.”

4. On the basis of the aforesaid order passed by this Court the petitioner filed a detailed representation before the respondent authorities. The said representation was disposed of by the authority concerned vide order dated 09.5.2002, which was subject matter of writ petition being C.W.J.C. No.8957 of 2002. In the said writ

petition, the Court has passed the following order:-

“After some argument, learned counsel prays for leave to withdraw the writ application on the submission that the petitioner proposes to pursue his remedy departmentally.

This Court expresses no opinion on that aspect of the matter.

This application is dismissed as withdrawn.”

5. As earlier this Court has considered the case of the petitioner and dismissed the same as withdrawn, there is no occasion for this Court to consider the matter again specially in view of the fact that the petitioner has already reached the age of 54 years. The petitioner has crossed the age of appointment. Further, it is well known principle of law that a person who is appointed on ad-hoc basis does not have any right over the post.

6. In such view of the matter, this writ petition is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
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