

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3668 of 2014

=====

Ram Peyare Prasad Son Of Ram Bishun Prasad Resident Of Village- Akhtiyarpur,
P.S.- Bikram, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Road Construction Department, Govt. Of Bihar, Patna
2. The Superintendent Engineer, Central Circle Patna, Road Construction Department, Govt. Of Bihar, Patna
3. The Executive Engineer, Patna West, Road Division, Road Construction Department, Govt. Of Bihar, Patna
4. The S.D.O. Road Construction Sub-Division, Bihta, District- Patna Road Construction Department, Govt. Of Bihar, Patna
5. The Junior Engineer Road Construction Sub-Division, Bihta, District- Patna Road Construction Department, Govt. Of Bihar, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. ARVIND PRASAD SINGH, Adv.

For the Respondent/s : Mr. SC4- MD. RAISUL HAQUE

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 16-08-2017

Heard both sides.

The petitioner filed this writ petition for setting aside the order dated 22.09.2012, as contained in Memo No. 4377 (Annexure- 1) issued by the Executive Engineer, Patna West Road Construction Division, Patna whereby the petition for regularization of the



petitioner was rejected in view of the fact that the petitioner did not work for more than 240 days continuously for five years.

It is pointed out that annexure-9 shows that the petitioner worked on daily wages in the year 1988 and thereafter, the petitioner did not work on daily wages in the department for more than ten years. Thereafter, the petitioner worked in the year 1989 for 104 days, but again the petitioner did not work for more than five years from 1990 to 1995 and from 1996 to 2000, the petitioner worked, but he did not work for more than 240 days continuously for five years. On this ground his petition for regularization was rejected.

Learned counsel for the petitioner submits that one Amrik Mali filed writ petition in this court vide C.W.J.C. No. 13993/2011 and the writ petition was disposed of with a direction to the authorities to regularize the service in view of the annexure-B to the counter affidavit filed in the aforesaid writ petition. After some argument, learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to file representation before the authority to consider his case.

Learned counsel for the State did not raise any objection.

Considering the facts aforesaid, this writ petition is dismissed as withdrawn. The petitioner, if so, advised may file representation before the concerned authority who will dispose of the



representation of the petitioner in accordance with law.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.08.2017
Transmission Date	N.A.

