

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14846 of 2008

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Sahdeo Ram, S/o Akal Ramani resident of village Batpar Tola, Nawadih P.S.
Chakai, District Jamui

.... Petitioner/s

Versus

1. The State of Bihar through Engineer – in – Chief, Path Nirman Bibhag, Bihar, Patna
2. The Chief Engineer, South Bihar Upbhad, Path Nirman Bibhag, Patna
3. The Superintending Engineer, Purb Bihar Anchal, Path Nirman Bibhag, Bhagalpur
4. The Executive Engineer Path Parmandal, Path Nirman Bibhag, Jamui
5. The Collector, Jamui
6. The Assistant Engineer Path Awar Parmandal, Path Nirman Bibhag, Jhajha, Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad Keshari

For the Respondent/s : Divya Verma, AC to A.A.G. No. 3

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 28-02-2017

Heard Sri Arjun Prasad Keshri, learned counsel for the petitioner and learned AC to A.A.G. No. 3.

The petitioner, has approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a



prayer to direct the respondents to regularize his status with effect from 4th October 1981.

It is not in dispute that petitioner was earlier working as daily wager. It is admitted fact that after 2000 no work is being taken from the petitioner even as daily wager. A plea was taken that earlier some persons started working as daily wager later than the petitioner had approached this court for regularization and in some cases orders were passed.

In this case a counter affidavit has been filed on behalf of the respondent nos. 1 to 4. Learned AC to A.A.G. No. 3 by way of referring to the facts disclosed in the counter affidavit submits that the petitioner was earlier working as pathbelan khalasi from January 1981 to February 1985 and again from February 1994 to May 2000 and thereafter considering the fact that such appointment was illegal and invalid the services of the petitioner had come to an end and thereafter no work has been taken from the petitioner. For the work done payment has already been made. In sum and substance it has been argued that after 2000 no work was taken from the petitioner.

Considering the fact that the main relief has been made for regularization of the services of the petitioner oblivious of the fact that petitioner had even worked as daily wager the court is of the opinion that in absence of any specific statutory instruction for



regularization that too his work as daily wager has come to end long back in the year 2000, there is no need to pass any order for regularization.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
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