

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13078 of 2010

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Jitendra Prasad S/O Merkhun Prasad R/O Vill. and P.S.- Jamo Bazar,
Distt.-Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Director of Industry, Govt. of Bihar, Patna.
2. The Director, Handloom and Silk, Bihar at Patna.
3. The Joint Director, Udyog and Marketing Handloom and Silk, Bihar at Patna
4. The Regional Directorate, Handloom and Silk, Saran Division at Chapra.
5. The General Manager, District Udyog Kendra At and Dist.-Gopalganj.
6. The Project Officer, Malwari Chauki Kit Palan-cum-Training Centre, Barauli, Dist.-Gopalganj.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha-1, Sr.Adv.
Mr. Bhola Kumar, Adv.

For the Respondent/s : AC to Govt. Pleader - 1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 03-05-2017 Heard Sri Alok Kumar Sinha, learned senior counsel assisted by Sri Bhola Kumar, learned counsel for the petitioner and learned A.C. to Govt. Pleader – 1.

2. The petitioner has approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to quash an order dated 24-08-2007 passed by respondent no. 5 and further, a prayer has been made to direct the respondent no. 4 to allow the petitioner to put his signature over the attendance register.



3. It is evident that earlier also, the petitioner had approached this Court by filing a writ petition, vide C.W.J.C. No. 7670 of 2005, which was disposed of on 28-02-2007 granting liberty to the petitioner to file fresh representation before the respondent no. 4 and respondent no. 4 was directed to take decision on his representation and pass reasoned order within specified time. In earlier writ petition also, the petitioner had prayed for salary on the plea that earlier he was a daily-wager and subsequently, his service was regularized. After the order of the writ court, the petitioner filed representation and since, no decision was taken, the petitioner approached this Court by filing a contempt petition, vide M.J.C. No. 1793 of 2007, which was rejected on 19-02-2010 after noticing the show cause, wherein the respondents had brought on record order dated 24-08-2007 passed by respondent no. 5, whereby; the representation of the petitioner was rejected. Thereafter, the petitioner filed the present writ petition assailing the said order i.e. order dated 24-08-2007, which has been brought on record, as **Annexure – 4** to the writ petition.

4. It was submitted by learned senior counsel for the petitioner that petitioner's service was legally regularized, however; in the impugned order, a stand has been taken that



appointment letter of the petitioner was forged. He reiterates that earlier, the petitioner was working as daily-wager and alongwith the writ petition, the petitioner has also brought on record copy of Attendance Register to show that the petitioner had worked as daily-wager.

5. In this case, a counter affidavit was filed on behalf of the respondent no. 4 & 5 and in paragraph – 7 of the counter affidavit, it has been reiterated that the said appointment letter, on which, reliance was placed i.e. **Annexure – 1** to the writ petition was fabricated document, since no such letter was issued from the office of the Regional Deputy Director, Chapra.

6. Since, in this case, a disputed question is involved, the Court is of the opinion that while exercising writ jurisdiction, this Court may not pass any positive order in favour of the petitioner.

7. The writ petition stands dismissed.

(Rakesh Kumar, J.)

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