

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1287 of 2016

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Rajendra Sharma son of Anandi Sharma resident of village & P.O.- Khamhouthi,
P.S.- Simri Bakhtiyarpur, District- Saharsa

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Saharsa
3. The Deputy Collector, Establishment, Saharsa
4. The Superintendent Engineer, Gramya Abhiyantran Sangathan, Anchal- Saharsa,
District- Saharsa
5. The Executive Engineer, Rural Works Department, Work Sub-Division,
Khagaria

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Parmanand Kumar, Adv.

For the Respondent/s : Mr. Madhaw Pd. Yadav, GP-23
Mr. Sanjay Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 01-11-2017

Heard learned counsel for the parties.

The petitioner claims regularization on a Class IV post but considering the reasons assigned by the Superintending Engineer in the order bearing Memo No. 480 dated 11.6.2016, placed on record vide Annexure 'A' to the counter affidavit filed on his behalf, whereby the claim of the petitioner has been rejected, I am not persuaded to interfere with the order because the order passed confirms that this petitioner had worked in two spells. In the first spell i.e. in the year 1981 he worked for 213 days and in the second spell i.e. between April, 1993 to June, 1995 he had worked for 624 days. In other words, the petitioner has neither completed 240 days prior to



11.12.1990 nor worked for five years after 11.12.1990 and apart therefrom the very fact that this petitioner having been disengaged way back in the year 1995 he has chosen to raise an issue of regularization after a lapse of more than 21 years, no indulgence can be granted to the prayer made by the petitioner.

The reference made by Mr. Parmanand Kumar, learned counsel for the petitioner, to the persons named in Annexure 3 to submit that the people with lesser period had been regularized also does not persuade this Court because neither the appointment details of these persons are on record nor Article 14 of the Constitution of India can have a reverse application.

The writ petition lacking in details as regarding similarly placed persons and also having been filed after unexplained delay of 21 years, the petitioner is not worthy of any relief.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

