IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14171 of 2010

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Mahendra Yadav S/O Budhan Yadav R/O Vill.- Bidanchak, P.S.- Amarpur, Distt.- Banka

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Banka
3. The Superintendent of Police, Banka
4. The Sub-Divisional Officer, Banka
5. The Circle Officer, Amarpur, Distt.- Banka
6. The S.H.O., Amarpur, P.S., Distt.- Banka

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Anis Akhtar
For the Respondent/s : AC to SC - 7

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 08-05-2017 Heard Mr. Anis Akhtar, learned counsel for the petitioner and learned A.C. to Standing Counsel – 7.

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 make payment of salary and allowances for the period in between 18-04-1994 and 11-06-2000 while, as claimed, he worked as Aiwaji Choukidar of Beat No. 1/6 of Amarpur Police Station, District – Banka.

On perusal of **Annexure – 1** to the writ petition, it is evident that earlier in the year 2000, the petitioner had filed a writ petition, vide C.W.J.C. No. 8036 of 2000, and in the said writ petition, a prayer was made for his appointment, as Choukidar,

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which was allowed and in compliance with the order of the writ court, the petitioner was taken on regular establishment, as Aiwaji Choukidar, vide Memo No. 144 dated 31-03-2008 (**Annexure – 2** to the writ petition).

The Court is of the opinion that once the petitioner had approached this Court, with a prayer to regularise his service or appointment, as Aiwaji Choukidar, at that very time, if there was any due, he would have claimed, but two years after his regularization i.e. in the year 2010, the petitioner approached this Court, with a prayer to direct for payment of his salary for the period, as indicated hereinabove. In the writ petition, there is no written instruction showing that the petitioner was engaged or appointed, as Aiwaji Choukidar, prior to **Annexure – 2** to the writ petition.

In view of facts and circumstances, I do not find any ground to pass favourable order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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