

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11340 of 2014

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Shyam Deo Pandey S/o Sri Kusheshwar Pandey R/o village - Rampur, P.S.
Surygadha, District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Land Reforms & Revenue Department, Government of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Land Reforms & Revenue Department, Government of Bihar, Old Secretariat, Patna
3. The District Magistrate Cum Collector, Lakhisarai
4. The Deputy Collector, Zila Nazarat, Lakhisarai
5. The Zila Nazarat Padadhikari, Lakhisarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate

For the Respondent/s : Mr. Arvind Kumar No-2, SC 17

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 11-12-2017

Heard counsels for the petitioner and the State.

2. Pursuant to the order dated 08.10.2012 passed on the petitioner's earlier writ petition bearing C.W.J.C. No. 9162 of 2011 the petitioner filed his representation before the Collector, Lakhisarai for his appointment by way of regularization.

3. A reasoned order dated 3.12.2012 Annexure 13 of the writ petition has been passed by the District Magistrate, Lakhisarai. The same, records the admitted position that the petitioner has been engaged on daily wage basis since 1995 intermittently. The Collector has considered the fact that he has not been engaged on daily wages prior to the cut of date, which was finally extended till 11.12.1990 under various departmental orders dated 03.12.1980, 26.05.1987 and



25.04.1997. Accordingly, his claim for regularization has been rejected. Since the petitioner has admittedly been engaged for the first time on daily wages in 1995, he is not entitled to consideration for appointment by way of regularization.

4. Counsel for the petitioner has also submitted that others junior to him in the panel prepared have been appointed ignoring his claim. Details of such junior persons have been given in his representation at Para 12 which was filed pursuant to the order dated 8.10.2012 passed on the petitioner’s earlier writ petition bearing no. C.W.J.C. No. 9162 of 2011.

5. However, in the panel which is Annexure 3, the counsel is not able to point out that the said persons’ name figured below him i.e. at serial no. 49. The said assertion is therefore, baseless and not worthy of consideration.

6. In view of the legally sustainable reasons assigned in the impugned order dated 3.12. 2012, there is no scope for interference by this Court in the said order.

7. The writ petition is therefore, dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.12.2017
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