

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.17809 of 2008**

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Yogendra Singh, son of Late Sadhu Sharan Singh, resident of village - Panditpura,  
P.O. and P.S. Bhorey, District - Gopalganj

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Secretary cum Commissioner , Department of Public Health Engineering,  
Government of Bihar, Patna
3. Engineer – in – Chief cum Special Secretary Department of Bihar, Patna
4. Chief Engineer ( Mechanical ), Department of Public Health Engineering,  
Government of Bihar, Patna
5. Superintending Engineer, Public Health Engineering Circle, Chapra
6. Executive Engineer, Public Health Division, Gopalganj.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Suresh Prasad Bhakta

For the Respondent/s : Mr. Shiv Kumar, AC to GA No. 3

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**

**ORAL JUDGMENT**

**Date: 21-04-2017**

1. Heard Sri Suresh Prasad Bhakta, learned counsel for the petitioner and Sri Shiv Kumar, learned AC to GA No. 3.

2. The petitioner, who was reverted from work charge establishment to daily wager long back in the year 2002 has approached this Court by filing present the writ petition in the month of December , 2008 with a prayer to quash order of reversion dated 2.9.2002 and also direct the respondents to treat him as work charge employee and thereafter regularize his service.

3. It has been pleaded that petitioner was appointed as daily wager some time in the year 1979. However, subsequently he was taken into work charge establishment but suddenly by order



dated 2.9.2002 (Annexure '3' to the writ petition ) the petitioner was reverted as daily wager from work charge establishment. It has been argued that in similar manner number of other employees of work charge establishment were reverted back to daily wageer however subsequently , petitioner along with others filed a writ petition, which was heard by a Division Bench of this Court along with number of other similar writ petitions. A Division Bench of this Court after hearing the parties at length disposed of all the writ petitions by its order in the year 2006 vide Annexure 'A' to the counter affidavit. While disposing of the writ petitions this Court directed to constitute a Committee and examine the cases in the light of the order of the Hon'ble Apex Court in the case of Secretary, State of Karnataka & Ors. Vs. Umadevi & Ors. and other Circulars of the State Government. A plea has been taken that in similarly situated case one Sri Sheo Kumar Singh and others had also approached this Court by filing a writ petition vide CWJC No. 13236 of 2001, which was disposed of by a Single Bench of this Court on 31.8.2006 ( Annexure '4' to the writ petition ). The writ petition was partly allowed. Reversion of petitioner nos. 1 and 2 of the said writ petition was set aside. It has been argued by Sri Bhakta, learned counsel for the petitioner that similar is the case in respect of the petitioner. He submits that petitioner had also continued for about five years prior



to the cut- off date and as such, similar order is required to be passed by this Court .

4. Sri Shiv Kumar , learned AC to GA No. 3, opposing the prayer of the petitioner submits that in compliance with the order of Division Bench a Committee was constituted and panel was prepared in respect of number of Departments and in the P.H.E.D. Division, Gopalganj, where petitioner had claimed regularization, a list was prepared. The petitioner's name was in the category of Backward Class and his name was placed at serial no. 27 of the seniority list. However, in his category the petitioner's name was placed much below and none of the persons below the petitioner was considered for regularization. He submits that since the case of the petitioner was already considered in compliance with the order of Division Bench and finally list was prepared, there is no question for raising any objection to the order of reversion of the petitioner which was passed long back in the year 2002 . So far reversion is concerned, that order was passed long back in the year 2002. Moreover, in the subsequent years since the petitioner's name was already included in the seniority list his case was considered on availability of vacancy, which was created subsequently and petitioner has already been regularized in the year 2014. Keeping in view the fact that in compliance with the order of Division Bench the case of the



petitioner was considered and finally he was regularized, there is no point for examining the correctness of the order contained in Annexure ‘3’ to the present writ petition. Since the prayer for regularization has already been granted to the petitioner on the basis of availability of vacancy, there is no reason to pass any positive order in the writ petition.

5. The writ petition stands disposed of.

**(Rakesh Kumar, J)**

Praful/-

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