

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9514 of 2001

- =====
1. Sumitra Nandan Singh, son of late Singeshwar Singh, resident of Village Paharpur, P.S. Haweli Kharagapur, District Munger.
 2. Ajit Kumar Sinha, son of Shri Suresh Prasad, resident of Village Kumarpur, P.S. Bariarpur, District Munger
 3. Deo Krishna Singh, son of Shri Hari Kishore Prasad Singh, resident of Village Ramchuwa, P.S. Shambhuganj, District Banka
 4. Kamleshwari Prasad Singh, son of late Asharji Singh, resident of Manikpur, P.S. Tarapur, District Munger
 5. Yogendra Mandal, son of Nar Singh Mandal, resident of Khesar P.S. Khesar, District Banka

.... Petitioner/s

Versus

1. The State of Bihar through the Special Secretary, Water Resources Department, Government of Bihar, New Secretariat, Patna
2. The Director (Revenue Administration), Water Resources Department, Government of Bihar, Barrak No.5, Patna
3. The Deputy Secretary, Water Resources Department, Government of Bihar, Barrak No.5, Patna
4. The Deputy Collector, Revenue Division, Tarapur (Munger)
5. The Deputy Collector, Revenue Division, Bhagalpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. SHAILENDRA KUMAR SINHA

For the Respondent/s : Mr. (AAG3)

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 15-03-2018

Heard learned counsel for the petitioners and learned counsel for the State.

In the present case, the petitioners have claimed for regularization of their services of Muharirs/Lipiks as having been claimed that those persons who were petitioners in C.W.J.C. No.1631 of 1984 and C.W.J.C No.2296 of 1995 were junior to them having been regularized but they have been left out which is



nothing but arbitrary exercise of power.

The post of Muharirs/Lipiks is class III post. For preparing the panel of seasonal Muharirs/Lipiks an examination was conducted in 1977, a panel was prepared in which petitioners are also in the panel. The Government has taken a decision to regularize the services of seasonal Muharirs/Lipiks including who were posted in Tarapur Revenue Division. The Government has framed a scheme for regularization and after exercise it was found that altogether 79 regular posts were available and total claimant was 408. Criteria has been made that in what manner those seasonal Muharirs/Lipiks have regularized (Annexure-B to the counter affidavit). The respondents have prepared a seniority list in 1979 that was replaced by another seniority in 1982 but ultimately the seniority prepared in 1982 was scarpd and 1979 seniority list was restored to its original position. Certain persons who were earlier accommodated were regularized but terminated form service on account of illegal procedure adopted in their selection. They approached before this Court vide C.W.J.C. 1631 of 1984 and C.W.J.C. 2296 of 2009 and this Court has set aside the action of the authority concerned and restored their position in the regular establishment.

Learned counsel for the petitioners submits that petitioners



are senior to those who were petitioners of C.W.J.C. No.2296 of 1985 and they have been regularized their services after the order of this Court dated 18.11.1992 and admittedly their names are below to the petitioners in 1979 seniority list.

Be that as it may, it appears from the record that petitioner no.1 has shown his date of birth as 48 years on 16.5.2001 on calculation it appears that he has arrived to the age of 65 years. By and large all the petitioners have crossed the age of superannuation form service. In such situation it will not be proper to exercise of power to give direction to consider the case of the perditions for regularization in service by passing positive order.

In such view of the matter, this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.3.2018
Transmission Date	NA

