

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12156 of 2005

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Upendra Nath Pandey son of late Brij Bihari Pandey resident of Panditpur P.S.
Pipra Kothi Dist. East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Personal and Administrative Reforms Department, Government of Bihar, Patna.
3. The Collector, East Champaran, Motihari.
4. The District Employment Officer, East Champaran Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Srivastava, Advocate
Mr. Shashi Bhushan Pandey, Advocate
Mr. Akhilesh Kr.Pandey, Advocate
For the State : Mr. Manish Kumar, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 06-03-2018

Heard learned counsels for the petitioner and the respondent-State.

2. The petitioner claims to fulfill the requisite criteria for regular appointment/regularization as prior to 11.12.1990 under the policy of the State Government, the petitioner had the requisite 240 days of service on daily wage/casual basis.

3.He has filed the instant writ petition so that he may be considered for his regularization/appointment against the vacant post of 4th grade falling in the district of East Champaran at Motihari in response to Advertisement No. 0C-21-2001 as well as supplementary



Advertisement No. 0C-001/2002.

4. In the counter affidavit the respondents have admitted that the petitioner had applied within the time limit and had maximum age fixed pursuant to the Advertisement of 2001-02 but at the time of preparation of panel in the year, 2005 he had crossed the age limit of 35 years. Hence on the ground of age, the petitioner was not selected.

5. It is the stand of the respondent-State in the counter affidavit that where after certain enquiry has been made and the Sub-Divisional Officer had submitted a report to the District Magistrate vide letter dated 20.09.2006 bearing no. 1210 wherein it is stated that the petitioner had worked for 417 regular days before 11.12.1990 i.e. the cut of date.

6. The respondents have in their counter affidavit submitted that the claim of the petitioner is being carefully examined by the respondent-authorities and if the petitioner and other claimants will be entitled to be regularized on Group D post, they will be given weightage if it is found that they have worked 240 days till 11.12.1990. They have submitted that there is no hurdle in relaxation of age to the petitioner if he fulfills the said criteria.

7. It is pointed out by the counsel for the petitioner that in respect of other petitioners who were claiming regularization in the



District of Motihari, this Court vide order dated 25.03.2014 passed in C.W.J.C. No. 1807 of 2014 had disposed off the writ petition with direction to the Collector, East Champaran at Motihari to see to it that steps initiated by issuing advertisement, pursuant to the order of the Commissioner passed in light of earlier orders of this Court, is completed and appointments on all available vacancies are made from the panel prepared/revised in the process within stipulated time framed.

8. It is submitted by the counsel for the petitioner that the process is still continuing. Whether the process is continuing or not is for the respondent authorities to examine.

9. In light of the stand of the respondents as stated in the counter affidavit and since the petitioner has been found eligible for consideration of grant of relaxation of age as also since the specific case of the respondents is that the matter is still under consideration, no further orders need be passed in the instant writ petition.

10. Under similar circumstances this Court vide order dated 25.03.2014 passed in C.W.J.C. No. 1807 of 2014 has taken note of the fact that advertisement has been published after 2002 and that the respondents shall consider age relaxation of the applicants eligible for appointment in accordance with law, the petitioner's case may also be



considered for age relaxation in accordance with law and in light of the stand of the State Government as disclosed in the counter affidavit, which has been taken note in the instant order for regularization against Grade IV post in accordance with law.

11. The writ petition stands disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.03.2018
Transmission Date	

