

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20053 of 2010

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NITYANAND SINHA LATE SURENDRA MOHAN SINHA DAURA, P.S.
BANKA, DISTT. BANKA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. COMMISSIONER CUM SECRETARY, FINANCE DEPARTMENT, GOVT. OF BIHAR, PATNA
3. SECRETARY WATER RESOURCES DEPARTMENT, GOVT. OF BIHAR, PATNA
4. CHIEF ENGINEER, MECHANICAL WATER RESOURCES DEPARTMENT, GOVT. OF BIHAR, PATNA
5. EXECUTIVE ENGINEER, MECHANICAL DIVISION, BOUNSI, BANKA, DEPARTMENT OF IRRIGATION, GOVT. OF BIHAR, PATNA

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Thakur
For the Respondent/s	:	Mr. Chittranjan Sinha, PAAG-2 Ratna Kumari, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 11-07-2018

The petitioner by way of the present writ petition has prayed for quashing the order dated 08.06.2004 whereby and whereunder the promotion of the petitioner to the post of Fitter Grade-II has been cancelled.

The learned counsel for the petitioner has submitted that the said order dated 08.06.2004 has been passed on a wrong consideration of factual position inasmuch as the petitioner was regularized in the regular establishment with effect from 01.04.1977, as has been admitted by the Respondents in Paragraph No. 6 of their counter affidavit, but still the



Respondents have ignored the same while passing the impugned order, hence, on this ground alone, the impugned order dated 08.06.2004 is fit to be set aside.

Having regard to the facts and circumstances of the case, the impugned order dated 08.06.2004 is set aside and the authorities are granted liberty to reconsider the matter of the petitioner herein considering the fact that his services was regularized in the regular establishment with effect from 01.04.1977.

It goes without saying that in view of the settled law laid down by the Hon'ble Apex Court in a catena of decisions, no recovery can be made from the petitioner in any view of the matter.

The present writ petition is allowed.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
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