

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 18051 of 2014

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Surendra Paswan son of Late Shital Paswan, resident of Village- Chhitowli, P.O.
and P.S. Maniyari, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary-cum-Commissioner, Personnel & Administrative Department,
Govt. of Bihar, Patna
3. The District Magistrate, Muzaffarpur
4. The Deputy Collector Incharge Nazarath, Muzaffarpur Collectorate, Muzaffarpur

.... Respondent/s

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For the Petitioner/s	:	Mr Choudhary Shyam Nandan, Advocate
For the State	:	Mr Indeshwari Pd Mandal, AC to GA III

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 03-07-2018

Heard learned counsel for the petitioner as also the
learned counsel for the respondent-State.

2 The brief facts leading to filing of the instant writ
petition is that claiming to be working on daily wages in the
Collectorate since 1994, the petitioner was expecting to be regularized
in service. The provisional panel for regularization was published in
the year, 2011 inviting objections whereafter the petitioner has
submitted his objection in response to the same. In the meantime,
petitioner moved this Court by filing *CWJC No 12186 of 2011*
claiming regularization by virtue of his name being empanelled at
serial No 268 in the list of Scheduled Caste candidates. The
petitioner's claim was considered by this Court and by order dated
16.09.2011, the writ petition was disposed of with a direction to the



respondent-District Magistrate, Muzaffarpur that he should consider the claim for regularization. Thereafter, the petitioner filed a contempt application bearing *MJC No 1345 of 2012* which was disposed of by order dated 01.05.2013 again reiterating the same direction which has been issued in favour of the petitioner in the writ proceedings whereafter the claim of the petitioner was rejected by order dated 25.07.2018 and it was stated that since the validity of 2011 panel has lapsed on 31.03.2012, therefore, the petitioner's claim for regularization could not be considered. In the said order, the facts have been noticed that the petitioner's name did not figure in the earlier panel of 2001 nor did the same figure in the panel of 2006. The petitioner, thereafter, again filed contempt application bearing *MJC No 6420 of 2013*. The same was dismissed by order dated 03.09.2014 taking note of the fact that the reasoned order dated 30.07.2013 has been passed and the claim made by the petitioner was rejected during pendency of *MJC No 6420 of 2013*. It is the order dated 30.07.2013 which is impugned in the instant writ petition.

3 From the order dated 16.09.2011 passed on the petitioner's first writ petition bearing *CWJC No 12186 of 2011*, it is apparent that the petitioner was claiming regularization on the basis of his empanelment at Serial No 268 in the provisional panel. The order dated 30.07.2013, which is under challenge in the instant proceedings, has taken note of the entire facts that pursuant to the publication of the



petitioner's name in the provisional panel of 2011, the objections were invited by all effected candidates. The petitioner submitted his objections. Same was considered and it was found that the petitioner's name had neither appeared in the panel of 2001 nor in the panel of 2006, therefore, his name was not included in the final panel published in 2011. This decision dated 30.07.2013, in this respect, was communicated to the petitioner through the show cause filed in the proceedings in *MJC No 6420 of 2013*. The said decision rejecting the petitioner's objection filed pursuant to his provisional empanelment in the provisional panel of 2011 was never challenged by the petitioner and the position has attained finality.

4 The further development, subsequent to preparation of final panel in 2011 is that validity of the same has lapsed in the year, 2012 as is evident from the order dated 130.07.2013 which is subject matter of the instant writ petition. The order dated 30.07.2013 shows adequate consideration of the claim of the petitioner.

5 The writ petition is without any merit and is, therefore, dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2018
Transmission Date	NA

