

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8890 of 2015

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1. Luri Ram, S/o Late Singhasan Ram, Resident of Mohalla- Ratanpura, P.O.- Chhapra, P.S:- Bhagwan Bazar, District- Saran at Chhapra, Bihar.

.... Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, public Health Engineering Department, Behind Vishwasvaraiya Bhawan, Bailey Road, Government of Bihar, Patna.
2. The Engineer-in-Chief, Public Health Engineering Department, Behind Vishwasvaraiya Bhawan, Bailey Road, Government of Bihar, Patna.
3. The Chief Engineer (Mechanical), PHED, Behind Vishwasvaraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, PHED, PH Circle, Chhapra.
5. The Executive Engineer, PHED, PH Division, Chhapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Devashish, Advocate

For the Respondent/s : Mr. Nagendra Prasad Yadav, SC 23

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 11-10-2018

Heard learned counsel for the petitioner and the respondent State.

The petitioner claims for his regularization on account of his employment as casual/daily wages in between September, 1987 to April, 2002. The petitioner had earlier approached this Court and by order dated 03.05.2011 his writ petition bearing no. 277 of 2009 was permitted to be withdrawn with liberty to the petitioner to approach the authority for consideration of his claim for regularization.

When the said order was being passed, the respondent



authorities, as per the stand in the counter affidavit, had already under taken one time exercise for regularization of the employees under the policy decision contained in resolution dated 16.03.2006 bearing no. 639.

List was prepared based on date of birth and roster position and as per the said list in accordance with seniority, persons were regularized. Stand in the counter affidavit is that the last person who was regularized was at roster point no. 24 in the reserved category, whose date of birth was 04.03.1967. The petitioner's date of birth was 06.02.1969 and as such being junior his case was not considered. However, pursuant to the representation filed by the petitioner, the issue was examined and now there was no post available on which the petitioner would be extended the benefit of the policy decision dated 16.03.2006.

This Court is *prima facie* satisfied with the detailed response made in the counter affidavit. The averments made in the counter affidavit have not been denied or disputed by filing a rejoinder.

The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

