

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13029 of 2015

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Amar Nath @ Amar S/o Late Bishun Ray Resident of Village Akdanga, Police Station Belchhi, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. Joint Secretary, Water Resources Department, Government of Bihar, Patna.
3. Chief Engineer, Water Resources Department, Samastipur.
4. Executive Engineer, Flood Control Division, Samastipur.

.... Respondent/s

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For the Petitioner/s	:	Mr Jitendra Prasad Singh, Advocate
For the S t a t e	:	Mr Ravindra Kumar, AC to AAG VI

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 28-03-2018

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

2 The petitioner's claim for regularization in the office of the Executive Engineer, Flood Control Division, Samastipur under the Water Resources Department has been rejected. The petitioner claims that proper consideration of his claim has not been done in terms of the earlier order passed by this Court in his favour in *CWJC No 4909 of 1996* and its analogous cases disposed of by order dated 12th January, 1999 as also in terms of the order dated 26.02.2015 passed in *CWJC No 3144 of 2015*.

3 It is the stand of the State Government in the counter affidavit that the Committee had found the petitioner eligible for the



post against which he was engaged and he also fulfils the criteria of at least 10 years of service. The reasons assigned for rejection to the claim is that he failed to produce his appointment letter despite notice.

4 This reason assigned by the State in the counter affidavit is at variance with the impugned order rejecting the petitioner’s claim inasmuch as impugned order records that neither “controlling authority” nor the “petitioner” was able to bring the order showing the petitioner’s initial engagement. Apparently, there is an obligation on the part of the controlling authority also to produce the manner of appointment before the authorities for enabling an effective consideration of the petitioner’s claim. The same has not been done.

5 In view of the aforesaid situation, the writ petition is disposed of with a direction to respondent No 3 to consider the claim of the petitioner after obtaining the requisite information as regards the manner of the petitioner’s initial appointment in the year, 1979 from the controlling authority and after giving an effective consideration, the petitioner’s claim may be decided in accordance with law by a reasoned and speaking order within a period of three months from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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