

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18400 of 2008

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Lakshman Kumar son of Shri Harihar Mahto, resident of Village- Khaira Jamunia,
Police Station- Pipri, District- Motihari (East Champaran).

.... Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Visheshwariya Bhawan, Bailey Road, Patna.
2. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Visheshwariya Bhawan, Bailey Road, Patna.
3. Deputy Secretary, Road Construction Department, Visheshwariya Bhawan, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur

For the Respondent/s : Dr. Mankeshwar Tiwari, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 10-07-2018

By order dated 21.3.2018, this Court had passed an order

in the following words :-

“Learned counsel for the petitioner submits that he will give reply to the affidavit which has been filed by the State in which State has explained the reason for regularization of four persons mentioned in the body of the supplementary affidavit and there it has also been stated that as petitioner has worked only six days in 1987 and he did not satisfy the condition as mentioned in the notification issued on 16.03.2006 wherein in Clause (i) it has been provided that those workers have completed 240 days before 11.12.1990 will be considered for their regularization whereas affidavit reflects that before cut off date he has only worked for six days.”

The petitioner has filed a supplementary affidavit dated 09.05.2018 wherein two certificates dated 18.5.1988 and 27.10.1989 have been annexed showing that the petitioner had worked as casual peon from 04.02.1987 to 18.5.1988 and from 23.8.1988 to



27.10.1989.

This Court finds that firstly, the said certificates do not inspire any confidence inasmuch as neither they have been issued on any official letters or papers nor any dispatch number/memo number etc. have been mentioned, hence a disputed question of fact has arisen regarding the veracity of the said two letters in the present case. Secondly, the said two letters have seen light of the day for the first time in the supplementary affidavit filed by the petitioner in the present case on 09.05.2018 and it is a matter of inquiry as to what had prevented the petitioner from producing the same earlier. In any view of the matter the said two letters are of no value since the petitioner has not been able to prove that he had been working for the said period by producing contemporaneous documents like attendance sheet, proof of payment of wages etc..

In such view of the matter, there is no merit in the present petition and, if so advised, the petitioner may avail alternative remedy available under the law.

The learned counsel for the petitioner further submits that those persons, who have not worked even for a single day, have been appointed.

This Court is of the opinion that the said submission of the learned counsel for the petitioner is of no value inasmuch as this



Court cannot perpetuate illegality and secondly this Court is not dealing with a public interest litigation. For the reasons mentioned herein above, there is no merit in the present petition, hence the same is dismissed.

(Mohit Kumar Shah, J)

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Transmission Date	

