

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11369 of 2016

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Nagendra Prasad son of Late Mukhan Prasad, Resident of Village- Bhagirathi,
P.O. Semraon, Police Station- Mlrganj, District- Gopalganj ... **Petitioner**

Versus

1. The State Of Bihar
2. The Principal Secretary, Public Health Engineering Department P.H.E.D.
Govt. of Bihar, Patna.
3. The Special Secretary, Public Health Engineering Department, Government of
Bihar, Patna.
4. The Joint Secretary, Public Health Engineering Department, Govt. of Bihar,
Patna.
5. The Engineer-in-Chief, Public Health Engineering Department, Bihar, Patna.
6. The Chief Engineer Mechanical Public Health Wing, Public Health
Engineering Department, Muzaffarpur
7. The Superintending Engineer, P.H. Circle, Chapra, Circle at Chapra.
8. The Executive Engineer, Public Health Engineering Department, P.H.
Division, Siwan.
9. The District Magistrate, Siwan

... **Respondents**

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Appearance :

For the Petitioner	:	Mr. Prabhat Kumar Singh, Advocate and Mr. Lokesh Kumar Singh, Advocate
For the State	:	Mr. Arvind Kumar Sinha, AC to SC

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-02-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

Asserting his claim for regularization of service on the
post of Plumbing Khalasi the petitioner had earlier approached
this Court in C.W.J.C.No. 18989 of 2012 on 19.12.2013. Taking
note of pendency of petitioner's representation for
regularization, writ petition was disposed of with a direction to
respondent no.1 therein to take a decision on his representation
in accordance with law. Regularization has been made from a
panel prepared much prior to the panel dated 15.5.2008.



It is submitted by petitioner's counsel that others junior to the petitioner, namely, Bipin Kumar, Malik Singh, Israrul Haque having been engaged on daily wages much after 4.9.1984, i.e., the date the petitioner was engaged on daily wages, have been regularized. Specific averment regarding petitioner's claim being ignored and that juniors of the petitioner have been regularized, have been made in paragraph 20 of the writ petition.

Respondents have filed counter affidavit. They have chosen not to respond to the averments made by the petitioner asserting that his claim has been ignored and juniors of the petitioner have been regularized.

In view of the undisputed position emerging from records, this Court would find that the petitioner is legally entitled to benefits of regularization in view of the fact that his juniors from 2008 panel have been regularized ignoring his claim.

That being so, if there is no other impediment, respondents are obliged to consider petitioner's claim for regularization of service on the post of Plumbing Khalasi expeditiously within a period of three months from the date of receipt/production of a copy of this order.



This Court would record undertaking given on behalf of learned counsel for the petitioner that in case such relief is granted to the petitioner, he would not be claiming any benefits of seniority over others who have been regularized prior to him, irrespective of their seniority in the panel.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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