

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2981 of 2016

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Raju Kumar Gupta son of late Vasudeo Gupta, Resident of Village and P.O.-
Banmankhi Rajhat, District- Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna
3. The Principal Secretary, General Administration Department, Govt. of Bihar,
Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh
For the Respondent/s : Mr.Aag8- Gautam Bose

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 10-04-2019

Petitioner was appointed on 23.1.2002 for a short period of about two months upto 31.3.2002, or for duration of Mr Justice Lok Nath Commission of Enquiry.

Admitted position is that petitioner's tenure was extended upto 30.6.2005, on which date the Commission ceased to exist. Tenure appointment of petitioner dated 23.1.2002 was thus terminated. Petitioner, placing reliance on the policy of the State Government dated 6.7.1992, has claimed that he should be considered for the purpose of regularization. For this claim, he had approached this court earlier by filing CWJC no. 15142/2007. On 3.4.2014 his writ petition was disposed off and it was left for the authorities to examine his claim. Authorities, thereafter, examined his claim and rejected the same by order dated 12.6.2014. The



same is assailed in the instant proceeding. It is submitted by the petitioner's counsel that the petitioner was entitled to get benefit of policy decision dated 6.7.1992 which mandates that the retrenched or surplus employees will be considered for the purpose of regularization. It is submitted that the employees who were appointed on tenure post in other commission have also been regularized and as such the petitioner is being discriminated.

Learned counsel appearing for the State has drawn attention of the court towards clause GHA of the policy decision relied by the petitioner. The same covers the case of those who were appointed on a fixed term. The policy contemplates that such persons were not treated to be terminated employees. The stipulation in the policy appears to be correct. When the employee at the time of his appointment is conscious that his appointment is of fixed tenure and on termination of the said tenure his appointment ceases in law, then he can not be said to be a retrenched or surplus employee. Case of the petitioner is squarely covered under clause GHA of policy dated 6.7.1992 under which petitioner is seeking regularization of his appointment.

Stand of the State does not require any interference. Reasons assigned for not considering the case of the petitioner for



regularization are valid and legal. Writ petition is devoid of merit
and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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