

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7173 of 2015

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Ramesh Kumar Singh, S/o Ram Autar Singh, R/o Village Kanhuan, P.O. Bagarhi, P.S. Ramgarha, District Kaimur, Bhabua.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Commissioner -cum- Secretary, Water Resources Department, Government of Bihar at Patna
2. The Director, Rehabilitation and Land Acquisition, Water Resources Department, Govt of Bihar at Patna
3. The Punarvas Padadhikari, Kosiyojana, Nirmali (The Rehabilitation Officer, Kosi Project, Nirmali) at Nirmali, PO – Nirmali, PS – Nirmali, District - Supaul
4. The Land Acquisition Officer, Sone Yojana, (Water Resources Department), Sasaram at P.O. Sasaram, PS – Sasaram, District - Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Uma Shankar Singh, Advocate
For the Respondent/s : Mr Gyan Prakash Ojha, GA VII withdraw
Mr Gopal Krishna, AC to GA VII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 23-04-2019

Heard learned counsel for the petitioner as well as the respondent-State.

2 Petitioner was appointed by the Special Land Acquisition Officer, Tenughat, Hazaribagh as Amin in the year, 1987. He was terminated on account of the appointment being illegal. The issue of termination was raised by the petitioner in CWJC No 8333 of 1998 which was decided on 13.08.2008. The same was dismissed. Petitioner preferred Letters Patent Appeal



No 56 of 2009. The same was withdrawn with liberty to approach the Committee for redressal of his grievances.

3 Annexure 5 of the writ petition is the notice issued by the Committee which was constituted to examine the irregular/illegal appointment. The notice clearly contemplates that the Committee was to examine claim of only such persons whose appointment had not been declared illegal by the High Court or the Apex Court. The order passed on the petitioner's writ petition bearing CWJC No 8333 of 1998 has clearly held the appointment of the petitioner to be illegal. The relevant extract of the said order is being reproduced herein below:

“This Court, on bare perusal of the letter of appointment and the terminology used therein as read in conjunction with the pleadings in the writ petition is satisfied that not only was the appointment made by an authority not competent to do so but that no procedures were followed in the appointment with regard to open competitive merit selection. If the initial appointment be illegal, no validity could have been conferred upon the same by the Director. The law stands settled that if the initial action be invalid, all subsequent actions are invalid and ratification cannot cure the defect. Likewise mere long continuance in an otherwise illegal appointment cannot urge the ground of equity. The submission that the consequent approval of the Director allegedly, the illegal nature of appointment assumed the shape of irregularities only, has to be rejected.”



4 Clearly, the petitioner was not to be considered by the Committee as per the notice (Annexure 5), as this Court, in the earlier writ petition, has already held appointment of the petitioner to be illegal.

5 In the aforesaid background, the submission of the learned counsel for the petitioner, that the Committee should be directed to examine the claim of the petitioner and pass an order thereon, does not merit any consideration.

6 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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