

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11911 of 2014

1. Nand Kishore Prasad Son of Late Dwarika Prasad, Resident of Village- Kotwal Dih, P.O.- Palmo, P.S.- Giridih Mufassil, District- Giridih, Jharkhand Presently residing at Mohalla Malah Toli, PS Civil Lines Gaya, District Gaya
2. Baikunth Prasad. Son of Khagpati Saw, Resident of village- Kanchanpur, P.O.- Koridih, P.S.- Saria, District- Giridih, Jharkhand Presently residing at Mohalla Malah Toli, PS Civil Lines Gaya, District Gaya
3. Basudeo Sahu, son of Sri Puran Sao, Resident of Village- Kotwaldih, P.O.- Palmo, P.S.- Giridih Mufassil, District- Giridih, Jharkhand, Presently residing at Mohalla Malah Toli, PS Civil Lines Gaya, District Gaya
4. Janardan Mahto, Son of Late Kanchan Mahto, Resident of village- Deogram, P.O.- Mankera, P.S.- Katrash Garh, District- Dhanbad

... .. Petitioners

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar Patna
2. The Principal Secretary, Road Construction Department, NH Mechanical, Govt. of Bihar, Patna
3. Engineer in Chief, Road Construction Department, Govt. of Bihar, Patna
4. The Chief Engineer, Road Construction Department, NH Mechanical, Govt. of Bihar, Patna
5. The Superintending Engineer, Road Construction Department, NH Mechanical, Govt. of Bihar, Patna
6. The Executive Engineer, Road Construction Department, NH Mechanical, Govt. of Bihar, Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Arun Kumar No. 1
For the Respondent/s : Mr.Gp2-Rajiv Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2019 Heard learned Counsel for the petitioners and the

learned Counsel for the respondent State.

The petitioners, who were engaged under certain
orders issued by the respondent authorities for a limited
duration, submit that their services were extended from time to



time. Finally, it is their own case of the petitioners that they were paid remuneration up till 1999 and in the year 2000 the respondents stopped taking work from the petitioners. The writ petition seeking reinstatement has been filed roughly 14 years after their termination.

Counter affidavit has been filed on behalf of respondent No. 5, wherein it is submitted that work has not been taken from the petitioners upon their removal ever since 1998. The State Government has relied upon an order dated 3.1.2013 passed in *CWJC No. 20020 of 2012* in respect of other similarly situated as the petitioners.

Since the petitioners' appointment also has been made in gross violation of the mandate of Article 14 of the Constitution of India without any advertisement or selection process, the question of their reinstatement at this belated stage, therefore, should be answered in the negative by this Court. Even otherwise this Court is of the opinion that on the face of it challenge to the termination of the petitioners in the year 1998 by the instant proceeding instituted 15 years after their termination, is barred by unexplained delay and laches.

As regards the claim of the petitioners for their regularisation of services, this Court would leave it to the



petitioners, if they are so advised, to move the authorities for regularisation of their services in light of the opportunity granted to other similarly situated in the case of ***Triloki Prasad Yadav & ors vs. State of Bihar & ors.*** in ***CWJC No. 20020 of 2012.***

If the petitioners are also covered by the ambit of the Committee constituted by the State Government for examining the cases of similarly situated persons, then only occasion would arise for consideration of their claim.

The writ petition is disposed of.

(Madhuresh Prasad, J)

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