

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16996 of 2011

MD. QUAMRUDDIN ANSARI Son of Late Abdul Qayum Ansari Diwan P.S.
Karai Parsurai Hilsa Distt. Nalanda

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Head Secretary Rural Works Department ,Govt. Of Bihar, Patna
3. Joint Secretary, Rural Works Deptt. Govt. Of Bihar, Viswasariya Bhawan,
5th Floor Bailey Road, Patna
4. The Engineer In Chief Cum Additional Commissioner Cum Special
Secretary Rural Works Deptt. Govt. Of Bihar
5. The Chief Engineer Iv Hq Rural Works Deptt. Govt. Of Bihar ,Viswasariya
Bhawan, 5th Floor Bailey, Patna
6. Deputy Secretary, Rural Works Deptt. Govt. Of Bihar Patna,Viswasariya
Bhawan, 5th Floor Bailey Road, Patna
7. Under Secretary, Rural Works Deptt. Govt. Of Bihar Viswasariya Bhawan,
5th Floor Bailey Road, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Chandra Pandey Mr. Ramesh Chandra Sinha
For the Respondent/s	:	Mr.Kamlesh Kishore, AC to SC 12

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER0

7 21-10-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner was appointed on ad-hoc basis for two months on grade IV post. By virtue of continuance and after acquiring better qualification, he started performing duty as typist i.e. grade III post. Petitioner thereafter had been terminated on 30.07.1998. Petitioner thereafter had approached this court lastly by way of CWJC No. 6562/2010.

Issue of his termination is now in the background, as



the petitioner now claims regularization in terms of judgment in the case of **Secretary, State of Karnataka vs. Uma Devi reported in 2006(2) PLJR SC 363.**

Claim of the petitioner for regularization has been rejected. Earlier appointment of the petitioner was found to be illegal and he was terminated. Further the authorities while passing the order had taken note of the fact of petitioner's illegal entry in service. After due consideration, authorities found that regularization of illegal ad-hoc appointment of the petitioner would amount to perpetuating an illegality.

Consideration of the authority is assailed by counsel for the petitioner by submitting that he has continued in service for a reasonable period of time and as such his sudden exit is unsustainable in the eye of law.

Earlier termination of the petitioner was not an issue which remained for consideration. It was only petitioner's regularization which was left for the authority to decide as per order dated 05.01.2011 passed in CWJC No. 6562/2010.

In view of earlier termination of petitioner holding the petitioner to have been illegally appointed, claim has rightly been rejected by the authority i.e. Engineer-in-Chief, Rural Works Department by reasoned order dated 27.04.2011. No



other ground has been urged for interference in the same.

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

s.hassan/-

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(Madhuresh Prasad, J)

