

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16067 of 2006

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1. Satish Kumar Sahay son of Late Haribansh Sahay, r/o Village Goshia Kala, PS Bikramganj, District Rohtas
 2. Chandra Shekhar Singh, son of Sri Ram Kripal Singh, r/o Village Semra, PS Matwar, District Rohtas
 3. Mahendra Prasad, son of Sri Shashi Bhushan Prasad, r/o Village Mahula, PS Chainpur, District Kaimur (Bhabua)

... .. Petitioners

Versus

1. The State Of Bihar
2. The Secretary, Rural Development Department, Govt. of Bihar Patna
3. The District Magistrate, Rohtas
4. The Chairman, District Rural Development Agency, Rohtas
5. The Deputy Development Commissioner cum Managing Director, District Rural Development Agency, Rohtas
6. The Project Officer, District Rural Development Agency, Rohtas

... .. Respondents

Appearance :

For the Petitioners	:	Mr.Nityanand Mr. Shyam Bihari Singh
For the Respondent/s	:	Mr. Yogendra Prasad Sinha, AAG 7 Mr. Rajeev Kumar Sinha, AC to AAG 7

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 22-11-2019

Heard learned Counsel for the petitioner and the learned Counsel for the respondent State.

The claim in the instant writ petition is quashing of the order of the District Rural Development Agency, Rohtas under communication dated 16.1.2006 rejecting petitioners' claim for regularisation.

The petitioners claim to be working on Class III posts in the respondent DRDA since 1982 and 1984. Prior to filing of the instant case the writ petitioners had approached this Court for the relief of



regularisation in CWJC No. 12842 of 1997. This Court after considering the entire conspectus of the matter had taken note of the fact that undisputed position emerging from the records was that only one vacant post of Clerk was available in the respondent DRDA. The claim for regularisation was therefore left to be decided by the respondent authority. Since only one post was found to be vacant at that point of time this Court was of the view that senior-most amongst the instant writ petitioners may be considered for regularisation. The authorities thereafter took a decision in respect of petitioners' claim. The claim stood rejected.

When the claim of the petitioners was not being considered a contempt application bearing MJC No. 3766 of 1999 was filed. During pendency of the same the authorities under communication dated 22.3.2000 rejected claim of the petitioners for regularisation on the ground that there was no sanctioned vacant post in the DRDA. The authorities had also taken note of the fact that the Accountant General Bihar was raising objection in respect of payments made to the petitioners. Such engagement, as had been done in respect of the petitioner, was barred under departmental instruction. The petitioners therefore withdrew their contempt application with liberty to assail the order dated 22.3.2000 in an independent proceeding.

The order dated 22.3.2000 rejecting their claim for regularisation for various reasons was again assailed in CWJC No. 13366 of 2003. In stead of challenging the reasons assigned in the order



dated 22.3.2000, the petitioners actually withdrew their writ petition with a request that they may be permitted to file a representation for redressal of their grievances. Since the order of the DRDA dated 22.3.2000 was not assailed on merit and prayer was made to withdraw the same for availing remedy, before the authorities the writ petition was permitted to be withdrawn with consent of the State.

The petitioners thereafter have again approached the authorities. Once again the claim of the petitioners has been rejected under communication dated 16.1.2006.

The reasons contained in the order dated 22.3.2000 admittedly has never been assailed by the petitioners. In fact, from perusal of the order passed in CWJC No. 13366 of 2003, wherein the same was challenged, it is apparent that the writ petition was withdrawn. Rejection of petitioners' claim under order dated 22.3.2000 is therefore a fait accompli. The authorities therefore rightly again rejected petitioners' claim relying upon earlier order dated 22.3.2000, against which the writ petition bearing CWJC No. 13366 of 2003 had been filed and withdrawn by the petitioners.

Specific reasons have been assigned in the order dated 22.3.2000 which remains unchallenged till date. The reasons assigned are sustainable in the eyes of law and require no interference by this Court. The rejection in fresh communication dated 16.1.2006 relying upon the earlier unchallenged rejection are after due consideration and requires no interference.



Petitioners’ Counsel submits that in similar circumstances others have been regularised in DRDA in another district.

The claim for parity advanced by the petitioners is baseless. Others who have been allegedly regularised pursuant to orders passed in CWJC No. 2805 of 1999 in another district was on the basis of nature of their initial engagement and availability of vacancies in DRDA of another district, Aurangabad. The petitioners on facts have not established that their claim is at par with beneficiaries of CWJC No. 2805 of 1999.

Lastly, it is submitted by petitioner’s Counsel that there are some dues on account of wages. The details however have not been placed on record. In the circumstances, it would be open to the petitioners to claim such dues by making a detailed representation to the authorities.

This Court does not find any reason to interfere with the order impugned. The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

SNkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
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