

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 995 of 2012

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Rameshwar Pandey, S/o Ramayan Pandey, R/o Village - Chowrain, P.S.-
Udwant Nagar, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The Secretary to the Government, Home (Special) Department, Government of Bihar, Patna
 3. The Commandant General, Bihar Home Guards, Chhajjubagh, Patna
 4. The Deputy Commandant, Bihar Home Guards, Chhajjubagh, Patna
 5. The Commandant, Bihar Home Guard, Chhajjubagh, Patna
 6. The Commandant, Special Battalian, Bihar Home Guards, Bhagalpur
- Respondent/s

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For the Petitioner/s	:	Mr Jai Shankar Pathak, Advocate
For the Respondent/s	:	Mr Bijoy Kr Sinha, AC to AAG V

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 21-10-2019

Heard learned counsel for the petitioner and the respondent-State.

2 The petitioner, by filing this writ petition in the year 2012, has sought to assail the order dated 26.12.2007 by which claim for regularization of his services has been rejected. Today, when the matter is called out, the petitioner would have crossed the age of superannuation even if he was in regular service.

3 The petitioner was a volunteer in the Home Guard and his claim is covered by the decision of this Court in the case of *Ranjit Kumar -Versus- State of Bihar & Others* in *CWJC No 19445 of 2011* (Annexure A to the counter affidavit) filed by



respondents, copy of which was served on the petitioner's counsel on 20.03.2012 itself. The judgment in the case of *Ranjit Kumar (supra)* has rejected the similar claim for regularization by assigning reasons which are two folds. Firstly, that the petitioner therein has never approached the Court earlier though relief of regularization to certain volunteers was directed to be considered in writ proceedings filed much earlier in the years, 1991 and, thereafter, lastly up till 1998.

4 The other ground for rejecting the claim was that there can be no retrospective regularization and even if the leave was to be granted to the said Ranjit Kumar, he would have barely 10 years of service left, which could not be pensionable.

5 On both accounts, the claim of the petitioner is not similar with that of Ranjit Kumar, petitioner of CWJC No 19445 of 2011. In fact, petitioner of CWJC No 19445 of 2011 had a better claim as his age allowed him at least 10 years more service. Petitioner, on the hand, has already crossed the age of superannuation. On account of crossing the age of superannuation, today, the petitioner cannot make a claim for regularization as he has crossed the age of regular service.

6 Petitioner has not denied or disputed the assertion made in the counter affidavit by filing any rejoinder.



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

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.10.2019
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