

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2048 of 2016

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1. Shashi Shankar Verma and Ors Son of Ugresh Prasad Verma, resident of Mirchai Bari, Shitla Ashthan, Katihar-32.
 2. Barun Kumar Jha, Son of Rajendra Jha, resident of Maithili Chowk, Katihar, District- Katihar.8
 3. Md. Saful Haque, Son of Shekh Himat Ali, resident of Village- Janki Lodge, Bidabari, Katihar.11
 4. Anandi Ray, Son of Dashrath Ray, resident of Hirdaya Ganj, Panchwati, Katihar.
 5. Arbind Mohan Jha, Son of Krishan Mohan Jha, resident of Near T.V. Tower, Katihar.55
 6. Kamal Kishore Singh, Son of Ganesh Singh, resident of Anchal Office, Katihar.88

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
 2. The Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
 3. The District Magistrate, Katihar.
 4. Sajjan Kumar, son of name not known
 5. Ram Chandra Oraon, son of name not known
 6. Bhim Narain Sah, son of name not known
 7. Kokaya Paswan, son of name not known
 8. Babulal Uraon, son of name not known
 9. Vishnudeo Oraon, son name not known
 10. Mangal Rabidas, son of name not known
 11. Vijai Sah, son of name not known
 12. Vijay Ravidas, son of name not known
 13. Anirudh Lohara, son of name not known
 14. Manoj Kumar Mandal, son of name not known
 15. Dolly Kumari, daughter of name not known
- Nos 4 to 15 through the office of Collectorate Katihar, PS & District Katihar

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Madhav Roy Mr. Rakesh Kumar Jha
For the Respondent/s	:	Mr. Kumar Alok, SC 8 Mr. Vijay Bharti, AC to SC 7

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 31-01-2019 Learned Counsel for the petitioners is permitted to
correct the description of respondent Nos. 4 to 16 during course



of the day and delete the name of respondent No. 7.

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

It is submitted by petitioners' Counsel that they had earlier approached this Court as their claim for regularisation on Class IV posts had been rejected when the panel was prepared in 1999. They were not regularised since the advertisement prescribed a minimum educational qualification of Matriculation.

The petitioners were aggrieved by imposition of enhanced educational qualification and this Court considering the grievance of the petitioners had given the following direction in favour of the petitioners:-

“In my view, as the name of the petitioners figured in the final panel, the eligibility as prescribed at the time of empanelment in the year 1999-2000 would be valid so far as petitioners are concerned. The advertisement issued at the relevant time did not prescribe Matriculation as necessary qualification for regularisation to Class IV post. The change in educational qualification would not affect the petitioners' case as they would be guided by the earlier advertisement itself. The respondents would examine the case of the petitioners afresh in light of the earlier order dated 3.10.2001 passed in CWJC No. 8827 of 2000 and CWJC No. 4408 of 2001 within four months from the date of



receipt/production of a copy of this order.

With the aforesaid observations and directions, this writ application stands disposed of”.

The petitioners, therefore, in terms of the said order dated 16.12.2013 passed on their earlier writ petition became entitled only to be considered afresh without imposing the new enhanced qualification while considering the petitioners candidature. The same was directed to be considered afresh. No plea was raised for benefit of past services as daily wager, though such plea was available to the petitioners. Accordingly, no direction had been given by the writ court earlier that while considering the petitioners candidature they should be granted any benefits with retrospective effect on account of their cases having not been considered while preparing panel in between 1999 – 2000. On the contrary specific direction of this Court was to consider petitioners’ claim “afresh”.

Since neither this plea was raised by the petitioners nor any direction to that effect was made, the subsequent/successive writ petition for the same relief would not be maintainable.

The respondents have otherwise filed a counter affidavit and they have correctly submitted that continuation of



the petitioners' services with effect from 3.10.29011 or with effect from date on which juniors to the petitioners had been regularised therefore is not maintainable as for the first time petitioners were appointed vide order bearing memo no. 2010 dated 15.2.2014. Petitioners, in the circumstances cannot claim any benefit of service prior to their appointment on 15.2.2014.

This Court also does not find any right of the petitioners for being granted benefit or continuation from an earlier date for the reasons indicated hereinabove.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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