

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4558 of 2021

Subodh Kumar Yadav @ Subodh Yadav S/o Late Gulab Yadav R/o- Village-
Sakari Kanhauli, P.S.- Manigachchi, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary, Govt. of Bihar, Patna.
2. The Health Commissioner-Cum- Secretary Dept. of Health Education and Family Welfare, Govt. of Bihar, Vikash Bhawan, Patna.
3. The Chief Secretary Dept. of Health Education and Family Welfare, Govt. of Bihar, Vikash Bhawan, Patna.
4. The State Programme Officer-Cum- Secretary District Blindness Control Society, Govt. of Bihar, Vikash Bhawan, Patna.
5. The District Magistrate- Cum- President District Blindness Control Society Purnea.
6. The Civil Surgeon-Cum- Chief Medical Officer- Cum- Vice President District Blindness Control Society, Purnea.
7. The Additional Chief Medical Officer- Cum- Member Secretary District Health Society (Blindness), Purnea.
8. The District Programme Manager District Blindness Society, Purnea.
9. The Superintendent Sadar Hospital, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajkumar Rajesh
For the Respondent/s : Mr.Binod Kumar Yadav (Sc18)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 01-02-2022

The matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for
following reliefs:-

“1. That through this writ petition
the petitioner abovenamed humble craves
indulgence of this Hon’ble Court and prays for
following relief/reliefs:-



I. For issuance of appropriate writ/writs commanding and directing the Respondents Authorities, to regularize the petitioner on post of Counsellor (As IVth Grade Employment) in District Blindness Control Society, Purnea within the State of Bihar, who is working on the aforesaid post since 27.09.2001 on a more than a year and continued as IVth grade employee against regular vacant post since long and liable to be considered for regularization in accordance of law in view of long period service, in the interest of justice.

II. For further commanding and directing the respondent Authorities to Regular the petitioner as on IVth Grade Employment (Peon) with proper pay scale of at least IVth Grade Employee, so that petitioner can lead dignified life, without any exploitation.

III. For further commanding and directing the respondent authorities to allow the petitioner to discharge his duty as a counsellor in District Blindness Control Society, Purnea smoothly without any hindrance, till his date of superannuation.

IV. For further commanding and directing the respondent authorities to not disturb the functioning of petitioner on post of counsellor in District Blindness Control Society without any cogent rhyme and reason.

V. For further any other relief/reliefs may be granted to petitioner for which this petitioner is found entitled by this Hon'ble Court in light of the present facts and circumstances of the case.”

3. Short question for consideration in the present petition is whether petitioner is entitled to regularization against



Class IV post in District Blindness Control Society, Purnea or not?
In this regard petitioner has submitted representation on
12.10.2015 (Annexure-6).

4. Therefore, the concerned respondent is hereby
directed to examine the petitioner's claim and pass speaking order
as to whether petitioner is entitled to regularization/ absorption
against one of the Class IV post or not in the light of Apex Court
decision in the case of *Secy., State of Karnataka V. Uma Devi
reported in (2006)4 SCC page 1* passed in *CWJC No. 16 of 2021*
read with full bench decision of this Court in the case of *Ram
Sevak Yadav & Another Vs. The State of Bihar & Others* reported
in *2013(1) PLJR 964* passed in *CWJC No. 267 & 472 of 2010*
within a period of three months from the date of receipt of this
order.

5. With the above observations, the instant petition
stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

