

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6483 of 2021

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Ashutosh Kumar Sinha Son of Ram Chandra Prasad Sinha resident of
Chitragupta Nagar, Kayastha Tola, Ward no. 29, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. Secretary, Department of Personnel and Administrative Reforms, Govt. of Bihar, Patna.
3. The District Collector, Saharsa.
4. The Deputy Collector, Establishment, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund
For the Respondent/s : Md.N.H.Khan (Sc1)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 07-02-2022

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

2. State counsel accepts notice for respondents.

3. In the instant petition, petitioner has prayed for the following relief/reliefs:

“(i) That the petitioner prays for issuance of a writ in the nature of mandamus directing the respondents to regularise the services of the petitioner on class – IV sanctioned post in the Saharsa Collectorate or in the offices attached thereto and grant him all the consequential reliefs by payment of salary and seniority etc.

(ii) That the petitioner further prays for issuance of a writ of mandamus directing the authorities responsible for



appointment of class IV employees to accord priority to the petitioner in the process of appointment on the valid grounds of his experience as well as on account of being an application in the 2006 notification issued initially for regularization of class IV employees whereby he was placed at Sr. No. 78.

(iii) That the petitioner further prays for issuance of a writ of mandamus directing the respondents to place / include the name of the petitioner at an appropriate rank / serial number keeping in view his seniority and experience in the recent panel list of 549 candidates prepared by the District Establishment Department, Saharsa for regularization of Grade IV employees in Saharsa District.

(iv) That the panel for appointment of Grade IV employees in Saharsa District prepared in 2017 extended up to 2018 – 2019 be quashed by a writ of certiorari whereby the petitioner had arbitrarily been placed much below at serial no. 389 while many junior candidates had been placed above the petitioner therein.

(v) That any other relief to which the petitioner is entitled be granted.”

4. In support of the aforesaid relief, petitioner had submitted representation on 18.01.2021. He is also relying on judicial pronouncements *vide* Annexures 1, 3, 4 and 7.

5. The concerned authority is hereby directed to examine the petitioner's representation read with the cited decisions of this Court and proceed to pass speaking order as to whether petitioner is entitled to regularization. If he is entitled for regularization, speaking order shall be passed in extending benefits. If he is not entitled, in that event, necessary speaking order shall be passed and communicated to the petitioner. The above exercise shall be completed within a period of four months from the date of receipt of this order.



6. With the above observations, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

