

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8009 of 2021

Md. Ali, son of Md. Salim, Resident of Mohalla- Digha, I.T.I. Railway in Sah Toli, P.S.- Digha, District- Patna- 800011

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Culture, Government of India, New Delhi.
2. The Khuda Baksh Oriental Public Library through its Chairman, the Governor of Bihar, Raj Bhawan, Patna.
3. The Director, Khuda Baksh Oriental Public Library, Ashok Raj Path, Patna- 800004

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sugandha Prasad
	:	Mr. Daya Shankar Prasad
	:	Mr. Sujit Kumar
For the Respondent/s	:	Dr. K. N. Singh, ASG

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

Date : 14-02-2022

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 the following relief/reliefs:

“(a) For issuance of an appropriate writ(s) order(s) direction(s) including the writ, in the nature of Rule NISI, commanding the respondent authorities (respondent No. 1,2 and 3), for the enforcement of OM dated 16.10.2014 regarding the regularization of casual labours with temporary status (CS-TS) contained in Annexure – 1 to this petition, issued under the signature of Director, Ministry of personal, public grievances and pensions, Dept. of Personnel and Training, North Block, New Delhi to which the petitioner is entitled to pursuant to the order No. 3950 dated 30.12.1999 of the



Director (HR, Chighani) granting temporary status to the petitioner duly approved by the Library Board in its examination report dated 28.01.2015, contained in Annexure – 2, to this petition.

Vis-a-vis after rendering his services since 1st Nov. 1998, on the post of Printing Machine operator, without any break in service till the date of filing CWJC NO. 4371 of 2015 (i.e. 16 years) contained in Annexure – 4 to this petition requires to be given effect to forthwith.

(b) For issuance of an appropriate writs/ orders/ directions in the nature of certiorari commanding the respondent authorities as to why, the service of the petitioner be not retained/absorbed pursuant to the order dated 13.04.2015 passed by this Hon'ble Court (Mr. Mihir Kumar Jha, J. the then) in CWJC No. 4371/2015 contained in Annexure – 4 to this petition, and for the enforcement of the order its be given effect to in letters and spirits.

(c) For issuance of an appropriate writ (s)/order(s)/direction(s) in the nature of mandamus commanding the respondent authorities as to why the order dated 18.10.2016 passed in CWJC No. 143/2016 by Hon'ble Mr. Justice Jyoti Sharan J, the then, be not complied with and given effect to in letter and spirit by retaining the petitioner on the said post of operator or any other equivalent post to which, the petitioner is entitled to, and to regularize the services so rendered with all consequential benefits as the substantial question of retaining to the services of (CL/TS), have been set at naught in his judgment contained in Annexure – 5.

(d) For issuance of an appropriate writ / order / direction in the nature of mandamus, commanding the respondent authorities as to why, the examination report dated 28.01.2015 submitted by the 3 members constituted committee regarding appointment procedure of employee working in the library on the contract basis, casual workers and daily wagers be not implemented in letters and spirit with reference to memo no. 1326 dated 30.12.2014 and be given effect to forthwith.

(e) To grant such relief or reliefs to which the petitioner is entitled to under the law and facts of this case alongwith the incidental cost may kindly be awarded.”

3. The aforesaid reliefs is not supported by legal/statutory right followed by demand before the competent



authority so as to issue writ of mandamus under Article 226 of the Constitution. The present petition is covered by *Mani Subrat Jain Vs. State of Haryana* reported in *(1977) 1 SCC 486* to the extent that it is not maintainable.

4. Accordingly, writ petition stands dismissed, reserving liberty to the petitioner to prefer a detailed representation before the competent authority along with judicial pronouncements, if any. If such representation is furnished, the competent authority is hereby directed to decide the petitioner’s representation within a period of four months from the date of receipt of representation.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

