

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3971 of 2018**

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Vishkarma Ram Son of Late Sundar Ram, age about 61 years, Village-  
Nawada, P.S. and P.O.- Baniyapur, District- Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principle Secretary, Department of Industry, Patna Bihar.
3. The Director, Handloom and Sericulture Department of Industry, Bihar,  
Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Dayal  
For the Respondent/s : Mr. Suren Kumar

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      26-08-2022                      The petitioner has filed this application to count his  
  
length of service with effect from 05.09.1986 based on the letter  
of appointment dated 05.09.1986 (Annexure 1) on the post of  
orderly.

The brief factual background is that the petitioner has  
been appointed as a *jeep* driver after recommendation made by  
the Bihar Public Service Commission (BPSC). The appointment  
order is dated 13.06.1998 issued by the Director, Handloom and  
Sericulture, Department of Industry, Government of Bihar,  
Patna. This appointment of the petitioner was confirmed on  
13.04.2005; and the petitioner, thereafter having completed his  
service tenure, has retired on 31.05.2016.

The writ petition has thereafter been filed in the



month of February, 2018 claiming benefit of length of service with effect from 05.09.1986.

The respondent authorities have filed counter-affidavit wherein it is specifically asserted that the appointment of the petitioner on 05.09.1986 was on *ad hoc* basis without following any selection process and in the midst of a ban of appointment of any person on *ad hoc* basis. The said *ad hoc* appointment of the petitioner was illegal.

The petitioner's appointment after recommendation of the BPSC on 01.08.1998 is a fresh appointment. This appointment of the year 1998 has also been accepted as a fresh appointment by the petitioner throughout the service career. Now only after retirement, the petitioner has filed this writ petition that also without there being any material on record to show that the appointment of the petitioner on 01.08.1998 was by virtue of any revision acknowledging, any service prior thereto under any capacity.

The fact, that the earlier appointment dated 05.09.1986 was an *ad hoc* appointment contrary to the established procedure clearly stated in the counter-affidavit, has also not been denied or disputed by filing any rejoinder.

This Court would, therefore, find that the petitioner



has not been able to make out any case for counting any service prior to 01.08.1998 as length of service for grant of any benefit to the petitioner.

Writ application is accordingly dismissed.

**(Madhuresh Prasad, J)**

SUMIT/-

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