

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2170 of 2016

In
Civil Writ Jurisdiction Case No.8621 of 2014

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Suresh Mishra, Son of Sri Baleshwar Mishra, Resident of Village Makroi,
P.O- Maheshpur, P.S- Pipra Bazar, District Supaul.

... .. Appellant/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Director, Land Acquisition and Rehabilitation, Bihar, Patna.
3. The Special Land Acquisition Officer, Flood Control Project, Patna.

... .. Respondent/s

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For the Appellant/s	:	Mr. A.K. Jha, Sr. Adv. Mr. Pramod Mishra, Adv.
For the Respondent/s	:	Mr. Anjani kumar- AAG4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 28-02-2022

Heard Mr. Anil Kumar Jha, learned senior advocate for
the appellant and Mr. Anjani Kumar, learned AAG-4, for the State.

The appellant has challenged the order dated 21.09.2016
passed by the learned single Judge in C.W.J.C. No. 8621 of 2014
whereby the claim of the appellant for being regularized in the
service of the Chain Man has been rejected.

It appears from the records that the appellant was
appointed on the post of Chain Man in the year 1985 by the
Special Land Acquisition Officer, Flood Control Project, Patna,



which appointment was later extended. However, on the ground of such appointment being dehors to the rules, the same was cancelled and the services of the appellant was terminated.

The appellant had challenged the aforesaid termination vide C.W.J.C. No. 9413 of 2003 when a Bench of this Court vide order dated 08.01.2010 permitted him to withdraw his application with a liberty to file a representation claiming the benefit of regularization on the ground that his engagement was made prior to 01.08.1985 and therefore his services were required to be considered for regularization.

The appellant appears to have represented before the Director, Land Acquisition and Rehabilitation, Patna who vide his order dated 18.03.2010 rejected such representation on the ground that his appointment was not in accordance with rules and reservation roster and that no advertisement was issued for filling up any substantive post by appointment. No effort was made by the authority to seek names of the eligible persons from the employment exchange. The powers to grant provisional appointment had been withdrawn by departmental vide letter no. 7836 dated 02.12.1983 but, despite that, the then Special Land Acquisition Officer had given provisional appointment to the appellant on 08.05.1985.



It was thus held by the Director, Land Acquisition and Rehabilitation that no such regularization could be granted. The concerned officer took note of the fact that the appointment of the appellant had already been cancelled vide order dated 12.02.2002 contained in memo no. 1979.

The learned single Judge found that action of the appellant clearly smacked of wrongdoing and consequently a vigilance case was instituted against the Special Land Acquisition Officer who was found to have appointed many such persons on Class-III and Class-IV post without following any rules regarding such appointment.

We do not find any reason to interfere with the order impugned.

There is no merit in this appeal and the same is accordingly dismissed.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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