

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.146 of 2018

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Dinanath Prasad, Son of Kashi Prasad, Resident of Mohalla-Maulabagh, P.O.-
Arrah Town, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Commissioner-cum-Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Regional Chief Engineer, Public Health Engineering Department, Government of Bihar, Patna.
4. The Superintending Engineer, Public Health Engineering Circle, Patna.
5. The Executive Engineer, Public Health Engineering Division, Arrah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ugranath Mallik, Advocate
For the Respondent/s : Mr.Bijoy Kumar Sinha, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 16-08-2022

The writ application has been filed seeking quashing of the order dated 09.09.2017, bearing Memo No.1846, whereby the petitioner's representation has been rejected.

2. The petitioner's counsel submits that the order lacks consideration in terms of the order passed in L.P.A. No.588 of 2005 in the case of Dinanath Prasad Vs. The State of Bihar & others.

3. The brief background of the instant writ petition is that the petitioner was a work-charged employee whose services had been reverted as daily wager in 1998. He thereafter was



retrenched in 2002. Reversion and retrenchment was challenged in CWJC No.10602 of 1999, which was dismissed. LPA No.588 of 2005 was preferred against the order dated 26.04.2005, whereby CWJC No.10602 of 1999 earlier filed by the petitioner was dismissed.

4. During pendency of the petitioner's LPA, his services came to be regularized on the newly created and sanctioned post of Keyman-cum-Choukidar, vide office order dated 18.07.2007, bearing Memo No.68.

5. The fact of petitioner's regularization was suppressed before the Division Bench when the petitioner's L.P.A. was disposed of on 13.09.2011 in terms of the order passed in the case of *Ram Tapeshwar Sah & Ors. Vs. The State of Bihar & Ors.*, reported in **2006(3) PLJR 376**.

6. Thus, even though the petitioner's services had already been regularized on the post of Keyman-Cum-Choukidar in the year 2007, he in the year 2011, pursuant to the disposal of his LPA No.588 of 2005 availing the liberty based on suppression of fact of his earlier regularization, again filed a representation before the Three-Man Committee with a claim that he should be considered for regularization on a different post (Anusevak)



instead of Keyman-cum-Choukidar on which he had already been regularized way back in the year 2007.

7. The petitioner's claim was clearly beyond the scope of the order passed in the case of ***Ram Tapeswar Sah & Ors.*** (supra). The petitioner got disposal of his LPA No.588 of 2005 for representing before the Three-Man Committee in terms of the order passed in ***Ram Tapeswar Sah & Ors.***(supra). The Three-Man Committee thus has rightly rejected the representation filed by the petitioner on 27.09.2012, since the petitioner had already been regularized in service on the post of Keyman-cum-Choukidar.

8. The petitioner again filed a writ petition, bearing CWJC No.9953 of 2013, seeking consideration of his case for regularization on the post of Anusevak instead of on the post of Keyman-cum-Choukidar. The writ application was withdrawn to enable the petitioner to file a representation.

9. Having withdrawn his writ application, the petitioner again submitted a representation claiming regularization on the post of Anusevak, which has been rejected by the impugned order dated 09.09.2017.

10. From the factual background, noted above, it is obvious that the petitioner has resorted to falsehood and



misrepresentation by suppressing regularization of his service on the post of Keyman-cum-Choukidar on 18.07.2007 and got his matter referred to the Three-Man Committee in terms of the order passed in the case of ***Ram Tapeswar Sah & Ors.*** (supra), whereafter he has approached this Court twice, including the instant writ petition seeking regularization on the post of Anusevak. The petitioner is not entitled to such consideration since on the date he got his matter referred to the Three-Man Committee in LPA No.588 of 2005, he was already regularized. The order passed in the case of ***Ram Tapeswar Sah & Ors.***(supra) was for consideration by the Three-Man Committee by persons who were retrenched and not by persons like the instant petitioner, who were already regularized, but claiming regularization to a different post.

11. In the circumstances, the impugned order dated 09.09.2017 rejecting the petitioner's claim for regularization on the post of Anusevak does not require any interference.

12. The writ application is devoid of merit and dismissed.

(Madhuresh Prasad, J)

PNM

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

