

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20977 of 2018

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Mahesh Thakur, Son of Late Ramdeo Thakur Resident of Village- Babhani,
P.O.- Dabhari, Police Station- Supaul, District- Supaul.

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources (Irrigation) Department,
Government of Bihar, Sinchai Bhawan, Patna.
3. The Director, Land Acquisition and Rehabilitation Water Resources
Department, Government of Bihar, Sinchai Bhawan, Patna.
4. The Rehabilitation Officer, Koshi Yozana, Supaul.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Santosh Kumar Verma, Adv.
For the State : Mr. Anjani Kumar, AAG-4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 14-12-2022

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner was appointed as “*Mapak*”, vide
order contained in Memo No. 172 (Con.) dated 15-06-1989, as
contained in Annexure-6 to the writ petition, which the
respondents have found to be in violation of the procedure of
selection and roster of reservation as also in violation of the ban
imposed by the Government, under Circular dated 11.06.1986
bearing Letter No.7639, issued by the Personnel and
Administrative Reforms Department, Bihar.

3. The appointment had been claimed on account of



certain lands having been acquired and by claiming to be “a displaced persons”.

4. The specific assertion of the respondents in the counter affidavit is that the lands have been acquired in the year 1956-57 and at that time, the petitioner was not even born, as his Date of Birth is 01.01.1962. This has not been denied or disputed by the petitioner. It is on this ground that the Authorities had held that the petitioner cannot be placed under the category of “a displayed person”. He has no such Certificate. In spite of opportunity(s), he could not produce any such Certificate of “displayed person”. His reinstatement was, thus, rejected vide order dated 07-04-2005, as contained in Annexure-18 to the writ petition. His appointment was, thus, cancelled by the Competent Authority vide order dated 03.04.1998, contained in Memo No. 338 (Annexure-7).

5. The petitioner assailed cancellation of his appointment in CWJC No. 5957 of 1998. The same was disposed of on 06.12.1999 with certain directions. In compliance thereof, the matter was re-examined and, for the reasons indicated above, his claim for reinstatement was rejected vide order dated 07.04.2005. The petitioner had also claimed regularization/reinstatement before the three men



committee constituted in light of decision of the Apex Court in the case of *Secretary, State of Karnataka and others vs. Uma Devi and others* reported in *2006(4) SCC1*. The three men committee also rejected his claim on 28.12.2010. The petitioner again moved this Court assailing the rejection by three men committee by filing CWJC No. 2075 of 2012. This Court, set aside the order of rejection and remanded the matter back to the Director for fresh consideration.

6. Upon such re-consideration, the Authorities, again, arrived at the same conclusion, based on the facts, noted above and having found his appointment illegal, rejected his claim for reinstatement in service by the order dated 04.07.2014, bearing Memo No. 999 (Annexure-1) and revised reasoned order contained in Memo No. 1369 dated 19-08-2014 (Annexure-1/A). Both of these orders are impugned in the instant writ proceedings. In fact, the petitioner has, once again, assailed the order of termination dated 03.04.1998 as also rejection of his claim for reinstatement dated 07.04.2005. It is not in dispute that the orders impugned in the instant writ proceedings were subject matter of the earlier writ proceedings, noted above.

7. In fact, the last writ petition filed by the petitioner bearing CWJC No. 19728 of 2015, the same orders



dated 04.07.2014 and 19-08-2014, which are impugned in the instant writ proceedings, were challenged. The said writ petition was withdrawn by the petitioner. He has, again, assailed these very same orders in the instant writ proceedings. In view of the facts and circumstances noted above, this Court would find that assailing the same orders, which have been subject matter of earlier writ proceedings, to say the least, are misconceived.

8. For the above noted reasons, this Court is not inclined to exercise writ jurisdiction in favour of the petitioner.

9. The writ petition is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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