

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6657 of 2022

=====

Phulendra Rai Son of Late Dogay Roy Resident of Village Sattar P.S. Bihra
District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Water Resources Department Bihar Patna.
2. Secretary Ministry of General Administration Bihar Patna.
3. Commissioner Cum Chairman Koshi Command Area Development agency Saharsa.
4. Superintending Engineer Koshi Command Area Development agency Saharsa.
5. Divisional Engineer Koshi Command Area Development Agency Madhepura.
6. Sub-Divisional Engineer, Bihariganj Office of Koshi Command Area Development agency Bihariganj District-Madhepura.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Diwakar Prasad Singh, Advocate
For the State	:	Mr.Vinay Kirti Singh (GA-2)
		Mr. Binay Kr. Pandey, AC to GA-2
For the Respondents No. 3 to 6:	:	Mr. Harshvaradhan Shivsundaram, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-12-2023 The present writ petition has been filed
seeking the following reliefs:-

*“1. That this writ application is
being filed with prayer for issuance
of appropriate writ, order or
direction of writ in the nature of
Mandamus commanding the
respondents to regularize the
service of the petitioner against the
vacancy in the Division as “one*



time measure" giving effect to judgment of Hon'ble Supreme Court's Constitution bench judgment rendered in (2006)4 SCC 1 (State of Karnataka Vs Uma Devi) Para-53 & also the effective compliance of various Circular by which cut off date was fixed as 11.12.90 & others working were directed to be removed but regularization of those working since earlier from the cut off date dated 11.12.90 as such verifying all the details of retrenched daily wagers several others among Bihari Rajak, Abhinandan Yadav, Rajaram, Bamshankar Rai, Sadanand Rai, Sattar Miyan, Gorelal Yadav, Pawan Yadav, Chandeshwari Yadav, Buchan Yadav & Ashok Jha were regularized but the regularization of petitioner is being delayed under one pretext or other as such a clear & specific direction be given to the respondents to regularize immediately in view of the Resolution No.5940 dated 18.06.93 & Resolution No.489 dated 10.05.2005 as also the resolution



No.639 dated 16.03.2006. As such the present writ application is being filed with prayer of issuance of appropriate writ, order or direction of writ in the nature of Mandamus commanding the respondent for following main relief.

(i) That a declaration by way of mandamus be made that the petitioner is entitle to his regularization as one time measure against the vacancy in the Division as "one time measure" giving effect to judgment of Hon'ble Supreme Court's Constitution bench judgment rendered in (2006)4 SCC 1 (State of Karnatka Vs Uma Devi) Para-53 & also the effective Compliance of various Circular by which cutoff date was fixed as 11.12.90 in view of the Resolution No.5940 dated 18.06.93 & Resolution No. 489 Dated 10.05.2005 as also the resolution No.639 Dated 16.03.2006.

(ii) That for issuance of appropriate writ/order/direction or writ in the nature of Mandamus commanding the respondents to give effect to



the Hon'ble Supreme Court's Constitution bench judgment rendered in (2006)4 SCC 1 (State of Karnataka Vs Uma Devi) Para-53 & also the effective Compliance of various Circular by which cut off date was fixed as 11.12.90 & others working were directed to be removed but regularization of those working since earlier from the cut off date dated 11.12.90 as such verifying all the details petitioner be directed to be regularized at earliest against the existing vacancy."

2. At the outset, the learned counsel for the petitioner fairly submits that in view of the counter affidavit filed by the respondents, the petitioner has got no case, hence the present writ petition be disposed off.

3. Accordingly, the writ petition stands disposed off.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

