

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23710 of 2013

1. Krishna Nandan Prasad S/o Late Ambika Prasad R/V Post- Madhopur Garh, P.S.- Chandi, District- Nalanda
2. Narendra Kumar Singh S/o Sri Prashidh Narayan Singh R/V Post- Urdina, P.S.- Baroon, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar Bisheshwaraiya Bhawan, Bailey Road, Patna
2. The Engineer in Chief-cum-Special Secretary, PHED, Bihar, Patna Bisheshariya Bhawan, Bailey Road, Patna
3. The Chief Engineer Mechanical, PHED, Bihar, Patna Bisheshariya Bhawan, Bailey Road, Patna
4. The Superintending Engineer, Public Health Engineering Ara, Circle Ara
5. The Executive Engineer, Public Health Division, Bhabhua
6. The Executive Engineer, Public Health Division, Sasaram

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lalan Kumar Singh, Advocate
For the Respondent/s : Mr.Rajendra Kr. Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-06-2023 The present writ petition has been filed
seeking the following relief:-

"1. That by this writ application, the petitioners seek indulgence of this Hon'ble Court for issuance of an appropriate writ or direction commanding the respondents to consider and modify the order of absorption in respect of petitioners vide memo no.1295 dated 01.11.2007 and memo no.1005 dated 31.10.2007 respectively, in view of the settled principle of law in service Jurisprudence that Absorption/Regularisation of service



is only against the equivalent post or in the same rank and also in the same pay scale not lower post and lower pay scale, when the similarly situated and Junior persons namely Gupteshwar Singh, Vijay Kumar Pandey, Mhan Bhagat, Rameshwar Sah and Shiv Shankar Mishra, who were appointed and further regularised or absorbed on the same post, same rank and same pay scale and enjoying with all benefits of service and petitioners deprived the said benefit of service by arbitrary, malafide, discriminatory and unreasonable manner of the authority which is completely contrary to its own rule and petitioners also pray of this Hon'ble Court given all the consequential benefits of service with pecuniary benefits."

The learned counsel for the petitioners has relied on a judgment dated 24.11.2009 passed by a coordinate Bench of this Court in CWJC No. 14952 of 2009 (Yadunandan Prasad vs. The State of Bihar & Ors.) to submit that the case of the petitioners is



covered by the aforesaid judgment dated 24.11.2009, hence the Engineer-in-Chief-cum-Special Secretary, PHED, Bihar, Patna be directed to examine the claim of the petitioners and pass appropriate orders, in light of the aforesaid judgment rendered in the case of Yadunandan Prasad (supra).

It is needless to state that in case, the petitioners approach the Engineer-in-Chief-cum-Special Secretary, PHED, Bihar, Patna by filing appropriate representation for redressal of their aforesaid grievances, within a period of four weeks from today, the same shall be disposed off, in accordance with law, by passing a reasoned and a speaking order, within a period of eight weeks, thereafter.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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