

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17008 of 2014

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Ravindra Kumar Singh son of Vishwanath Singh, resident of village-Narayani
Nagar Sachopati, P.S.- Hazipur, District-Vaishali at Hazipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Chief Engineer, South Bihar Anchal (Circle), Building Construction Department, Government of Bihar, Patna.
3. The Superintendent Engineer, South Bihar Anchal (Circle) Building Construction Department, Government of Bihar, Patna.
4. The Executive Officer, Garden Pramandal (Division), Building Construction Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Sen Prasad Singh, Advocate
For the State : Mr.Akash Raj, AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-07-2023 1. The present writ petition has been filed seeking the following reliefs:-

*“(i) For issuance of an
appropriate Writ, order or direction
Commanding the respondents to regularise the
service of the petitioner on the post of Mali
(Gardeners) as he worked continuously for
more than 240 days or more than 10 years as
daily Wages Mali since 1980 under Garden
Division Building Construction, Government of
Bihar, Patna.*

*ii) For issuance of direction, Writ, or
order Commanding the respondents to
regularise his service as he was appointed by*



the competent authority on vacant and sanctioned post, having requisite qualification and worked more than 240 days prior to 1/8/1985 in terms of Government Resolution as well as in view of letter dated 18/6/2008 issued from Chief Engineer addressed to Superintending Engineer with regard to petitioner to regularise his service.

iii) For a direction to the respondents to regularise the services of petitioner as respondent Executive Officer Garden Division Patna has accepted that petitioner has worked as Mali and he has engaged on daily wages in exigency of works by the competent authority on vacant and sanction post and 193 posts of Malis (Gardeners) are still vacant in concerned Department.

iv) For further it would be appropriate for this Hon'ble Court to invoke equity to strike balance so that petitioner may not be debarred from relief sought for.

v) For denying the claim of regularisation of petitioner through Memo No. 852 dated 11/2/13 issued in the signature of Superintending Engineer South Bihar Anchal, Building Construction in any view is illegal, unjustified, unwarranted only to escape from M.J.C. No.1324/13 which has been passed without looking into papers and others addressed among the respondents which should



be quashed and set aside as has been passed without looking and examining the genuineness of contents of Memo No. 79 dated 17/1/08 which proves that petitioner worked on the post.

vi) For denying claim for regularisation of services of petitioner is violative of Article 14 and 16 of the Constitution of India in view of law laid down by the Apex Court and reiterated in several decisions by this Hon'ble Court also.

Vii) For a direction be issued to regularise the petitioner forthwith as justice is being denied at the hands of respondents by passing Memo No. 852 dated 11/2/13 which is to be quashed.”

2. The learned counsel for the petitioner has fairly submitted that with the efflux of time, the present writ petition has been rendered infructuous, hence the same be disposed off.
3. Accordingly, the writ petition stands disposed off.

(Mohit Kumar Shah, J)

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