

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9073 of 2018

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Nasim Akhtar S/o Md. Shamsuddin Ansari R/o Mohalla- Vansh Raj Ray Ki
Gali, Police Station- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar,
Patna.
3. The Superintending Engineer, Flood Control Anchal, Buxar
4. The Executive Engineer, Sone Canal Division, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baxi S. R. P. Sinha, Sr. Advocate Mr.Mrigendra Pratap Singh, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12 Mr.Binod Kumar Sinha, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-07-2024 The present case has come under the heading ‘To Be
Mentioned’ at the instance of the Court due to the reason that
though the order was passed on 25.06.2024 in CWJC No. 9073
of 2018, but due to inadvertence, the order has been created and
typed in CWJC No. 9703 of 2018, resulting in various
discrepancies.

2. On 25.06.2024, the following order was passed in
the present case :-

“Learned Senior counsel for
the petitioner and counsel for the State
are present.

2. The present writ petition has



been filed for directing the respondent to treat the petitioner as *Moharrir* for the period for which the work of *Moharrir* has been taken from him and further to pay the salary with interest for the period which the petitioner worked as *Moharrir* taken from the *Karipal*.

3. Counsel for the petitioner submits that the petitioner was duly appointed as *Karipal* by the Executive Engineer Sone Canal Division, Buxar. He join the post of *Karipal* on 05.03.1974 which is Grade 4 post. After joining on the post of *Karipal*, the petitioner has served the respondent as *Moharrir*. Counsel submits that the one of the similarly situated persons as like that of the petitioner has moved before this Court in C.W.J.C. No. 14512 of 2004 for grant of promotion on the post of *Moharrir* in which vide order dated 04.09.2006, direction was made to file representation. He further submits that representation of the other petitioner was rejected. Thereafter after contempt was filed, but subsequently, withdrawn. Counsel submits that in the light of the decision made by this Court, the petitioner is not demanding any promotion but moved before this Court



only for consideration of his entitlement of the amount which was payable to *Muharrir* as he has worked as *Muharrir* for long period. He submits that petitioner is entitled for the salary for the post of which he has served.

4. Counsel for the State vehemently opposes the writ petition and submits that this Hon'ble Court has rejected the claim of other person similarly situated as like that of petitioner. He submits that service of the petitioner was saved, though work of chairman was already ended but even then with a view to save them from removal, they have not been removed and permitted to continue in service. Counsel for the State further submits that vide Annexure-A, it become clear that the name of the petitioner was at Sr. 3 and his services was regularized with effect from 01.01.1988 but only on the post of Karipal which is a Grade-4 post and money for Grade 3 post cannot be paid to him. He further submits that vide Annexure-C and Annexure-D whatever the arrears which was to be paid has already been paid.

5. In the light of the submissions made, and without entering



into merits and demerits of this case, it has been directed to the petitioner to file fresh representation before the competent authority i.e. Respondent No. 3 for consideration of his case. As such, this writ petition is disposed off with liberty to the petitioner that he may file his representation submitting all his points which he has raised before this Court before the Additional Collector Land Reforms Sadar Madhubani (Respondent No. 3) who shall pass reasoned and speaking order filed by the petitioner within 90 days, thereafter.”

3. In view of the aforesaid, the order dated 25.06.2024 which was inadvertently created and typed in CWJC No. 9703 of 2018 is recalled. Registry is directed to offload the same from the website of the Patna High Court.

4. The order quoted above be treated to have been passed in the present case on 25.06.2024.

(Dr. Anshuman, J)

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