

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11729 of 2013

=====

Chandra Kant Singh Son Of Late Baiju Singh Resident Of Village -
Narsinghpur, P.O. P.S. Chainpur, District - Kaimuar, Presently Residing At
Jarnua, P.S. Hazaribagh, District - Hazaribagh

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government Of Bihar, Patna
3. The Director, Land Acquisition And Rehabilitation, Water Resources Department, Government Of Bihar,

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate
For the Respondent/s : Mr. Rajeev Kr. Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 25-07-2024 Heard Mr. Ravindra Nath Dubey, learned counsel

appearing on behalf of the petitioner and Mr. Rajeev Kumar

Singh, learned counsel for the respondent/s.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought *inter alia* following relief(s), which is

reproduced hereinafter:

*"1. That this writ application is being filed for
issuance of an appropriate writ/writs, direction/directions,
order/orders for quashing the order dated 10.09.2008 issued
under the signature of Respondent No.3 by which the Respondent
No. 3 not passed order in the light of order dated 11.12.2007
passed in C.W.J.C. 4414 of 1997 and without considering the fact
the similarly appointed persons working in the Department reject
the claim of the petitioner and against rejection order petitioner
filed an application before the Respondent No.2 but no reasoned
order has been passed and further for a direction to consider the
case of the petitioner by the Respondents No.2 and 3 in the light
of order dated 18.08.2009 passed by the Hon'ble Apex Court in
Civil Appeal No. 918 of 2008 in the case of similarly appointed*



persons and others and further for any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case."

3. Learned counsel appearing on behalf of the petitioner seeks to file detailed representation before the Principal Secretary, Water Resources Department, Government of Bihar, Patna (Respondent No. 2) for the relief as sought for in the present writ petition considering the fact that similarly situated persons working in the department till date has been regularized, who were also engaged along with the petitioner at the relevant point of time and, thereafter, further extended the period vide letter dated 13.05.1988. Learned counsel submitted that in case of similarly situated aggrieved persons, the Apex Court in Civil Appeal No. 918 of 2008, had directed the State to consider the case of the appellant/s to regularize in light of ***Secretary, State of Karnataka & Ors. Vs. Uma Devi & Ors.*** reported in ***(2006) 4 SCC 1*** and, thereafter, they were regularized. Learned counsel has clarified that the petitioner, as well as, those, who had preferred writ, out of which, the matter travelled up to the Hon'ble Supreme Court, were engaged before the reorganization of the State of Bihar and Jharkhand and, as such, the petitioner has claimed equality for being considered on the same terms and conditions.



4. Considering the aforesaid submission made on behalf of the petitioner, the petitioner, if so advised, may file a detailed representation before the authority concerned.

5. If such representation is filed, the authority concerned is directed to take final decision for considering the petitioner to regularize in the service from the effective date of entitlement in accordance with law laid down by the Apex Court in case of *Uma Devi (Supra)*.

6. In case, the committee finds that the petitioner is entitled for being regularized, the petitioner should be given all benefits from the date of his entitlement.

7. All the above exercise is directed to be concluded well within a period of three months from the date of communication of this order.

8. With above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

U			
---	--	--	--

