

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7640 of 2018

Praduman Rai Son of Late Babu Nandan Rai, Resident of Village- Mahrour,
Police Station- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resource Department, Bihar, Patna.
3. The Chief Engineer, Water Resource Department, Samastipur.
4. The Superintending Engineer, Drainage Circle, Water Resources Department, Samastipur.
5. The Executive Engineer, Drainage Division, Water Resources Department, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bindyachal Singh, Sr. Adv. Mr. Janmejay Giridhar, Adv.
For the Respondent/s	:	Mr. Alok Kr. Rahi, (AC to AAG-4)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 22-04-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for quashing of the order passed by the Under Secretary, Water Resource Department, Government of Bihar, Patna dated 21.04.2017 and the consequential orders by which the petitioner has been relieved/removed from service.

3. Learned counsel for the petitioner submits that the further prayer has been made to quash the order passed by the Chief Engineer, Water Resource Department, Samastipur contained in letter no. 1145 dated 16.05.2015 by which the claim of the petitioner for regularization has been rejected and further directing the respondent authority to produce a copy of

the meeting of the Establishment Committee, Water Resource Department held on 15.05.2015. Counsel made further prayer that direction be given to the respondents to regularize the service of the petitioner against the sanctioned vacant post of Class-IV employee or for grant of any other relief/reliefs.

4. Learned counsel for the State submits and raised preliminary objection before this Hon'ble Court that the petitioner has filed the present writ application in the year 2018 and at the very time, his age was 56 years, as per the affidavit attached with this writ petition and during pendency of the writ petition, the petitioner has completed 62 years of service, *i.e.* crossed the period of eligibility of service and therefore, his regularization cannot be made.

5. Learned counsel for the petitioner further submits that the petitioner has moved several times before this Hon'ble Court. Firstly, he moved in the year 1999 in C.W.J.C. No. 4152 of 1999 on which order has been passed by the authority and the claim of the petitioner was rejected. Secondly, the petitioner has moved in C.W.J.C. No. 600 of 2006 in the light of the order passed in the said writ petition, the petitioner's case was placed before, "Three Men Committee" for consideration of his case which was rejected by "Three Men Committee" dated 26.08.2008. Thereafter, the petitioner has further moved before this Hon'ble Court in C.W.J.C. No. 10936 of 2009 in the light of

the order passed by Three Men Committee. In the light of the order made by this Hon'ble Court, his matter was placed before the One Men Enquiry Committee in which undertaking was made by the Chief Engineer, Water Resource Department to provide preference to workers, who have been working on daily wages. In that light, his case was again considered and placed before the Committee and the Committee has decided the matter against him considering that he has no basic eligibility.

6. The petitioner, thereafter moved in writ petition bearing C.W.J.C. No. 213 of 2013 in which his case was again considered by the department vide order dated 21.04.2017 and again rejected on the ground that he has no basic eligibility to be appointed. Thereafter, the petitioner has filed the present writ petition bearing C.W.J.C. No. 7640 of 2018 which was heard by this Hon'ble Court in the year 2024. In the meantime, the petitioner has crossed the tenure of his service. As such, the petitioner's case becomes infructuous, therefore, no relief could be granted.

7. Accordingly, the present writ application stands dismissed.

(Dr. Anshuman, J)

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