

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21404 of 2012

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Bashistha Kumar Jha S/O Late Murli Jha R/O Village- Siswar, P.S.-
Phulparas, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Rural Development - Cum - Secretary, Rural Development Department Gramin Vikash, Main Secretariat, Patna
2. Director-Cum-Secretary Department Of Panchayati Raj, New Secretariat, Patna
3. Deputy Development Commissioner-Cum-Chief Executive Officer Zila Parishad, Madhubani
4. The Secretary, Zila Parishad, Madhubani
5. Zila Parishad, Madhubani, Through Its Secretary, Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No. II, Advocate
For the State	:	Mr. Santosh Chandra Bhaskar, AC to GP 11
For the Respondent no. 3:	:	Mr. Murari Narain Chaudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 22-04-2024

Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Zila Parishad as well as learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for quashing the order dated 04.06.2011 passed by the respondent no. 3 pursuant to the direction passed in CWJC No. 982 of 2010 by which the service of the petitioner has been dispensed with on the ground that the petitioner is not entitled for regularization in service in view of the Government Letter dated 29.12.2015.



3. Learned counsel appearing on behalf of the State submits that the petitioner was discharged from his duties vide memo no. 229 dated 10.02.2001. Then the petitioner has filed CWJC No. 1920 of 2007 and the same was disposed of with the direction to the respondent no. 3 to examine the show cause explanation of the petitioner and on his satisfaction to re-engage the petitioner for similar work. He further submits that non-compliance of the aforesaid order the petitioner has filed contempt petition bearing MJC No. 2358 of 2008. In the meantime, respondent no. 3 has passed the order dated 31.10.2009 stating therein that vide memo no. 8460 dated 31.12.1988 issued by the Secretary, Rural Development, Bihar it was directed to remove all daily wage employees from Zila Parishad and as such re-engagement of the petitioner was not possible. Apart from that the Hon'ble Apex Court has held that selection process in public employment must be done only in accordance with relevant rules and regulations.

4. Learned counsel appearing on behalf of the State further submits that in compliance of the letter of the State Government, the respondent no. 3 has issued the impugned order which suggests that the petitioner does not come under the purview of the policy of the State Government with regard to



the regularization of service because the petitioner was engaged in the year 2001 and the policy decision suggests that they will the consider the case of only those persons who have engaged before 1990.

5. In view of the aforesaid, there is no merit in the writ petition and the same stands dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
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