

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6273 of 2016

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Vijay Bahadur Singh Son of Late Mishri Singh, Resident of Village- Ekparha,
P.O Aurhai, P.S Gamharia, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief-cum Special Secretary, Public Health Engineering Department, Govt. of Bihar,
4. The Chief Engineer, Department of Public Health Engineering Mechanical, Govt. of Bihar, Patna.
5. The Zonal Chief Engineers, Purnea Zone, Purnea.
6. The Superintending Engineer, Public Health Engineering Circle- Saharsa.
7. The Executive Engineer, Public Health Division, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siyaram Pandey, Pandey, Advocate Mr. Dewesh Kumar Pandey, Advocate
For the State	:	Mr. Raghwanand, GA-11 Mr. Prabhat Kumar, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 22-04-2025

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed seeking a direction to the respondent authorities to regularize/absorb the services of the petitioner on the post of Work Inspector/Work Sarkar, a Group-C post under the concerned department. The petitioner was initially engaged as a muster roll employee on the post of Work Inspector and was subsequently taken over under



the work charge establishment in the same capacity. However, he was regularized on a lower post – Keyman-cum-Chaukidar - a newly created Group-D post, in an arbitrary and illegal manner, contrary to Memo No. 3050 dated 20.10.1984 issued by the Finance Department, Government of Bihar.

3. Learned counsel for the petitioner submits that since the petitioner has already retired, the regularization relief may not be applicable at this stage. However, he seeks parity in treatment with one similarly situated person, namely Phudan Prasad Gupta, in whose case the respondent authorities have taken a favourable decision.

4. It is submitted that the services of both the petitioner and Phudan Prasad Gupta were absorbed in 2006 on the post of Keyman-cum-Chaukidar, although both were working as Work Inspectors/Work Sarkars, which are Group-C posts. In 2016, Uday Prasad Gupta was granted pay protection through Memo Nos. 151 dated 14.03.2016 and 503 dated 16.05.2016 (Annexure P-13 series to the supplementary affidavit).

5. Learned counsel further submits that upon receiving information in 2016 regarding the benefit granted to Phudan Prasad Gupta, the petitioner made representations to the



concerned authorities. However, when no decision was taken, he filed the present writ petition in 2016. It is submitted that even in 2025, the petition remains pending, and the petitioner continues to hope for justice. He prays that his case be treated at par with that of Phudan Prasad Gupta, who was similarly placed.

6. Learned counsel for the State submits that the petitioner's services were regularized in 2006. As such, the cause of action, if any, arose at that time. Filing the writ petition after a lapse of 10 years reflects delay and renders the petition non-maintainable.

7. Upon consideration of the submissions made by both parties, this Court finds that the petitioner accepted his absorption on the post of Keyman-cum-Chaukidar. However, since his colleague Phudan Prasad Gupta, similarly situated, was later granted pay protection even after retirement by virtue of Annexure P-13 series to the supplementary affidavit, the petitioner's claim assumes merit. The cause of action in this case arose in 2016 when the petitioner became aware of the relief granted to a similarly situated person.

8. It is pertinent to refer to Clause 4C of the Bihar State Litigation Policy, 2011, which reads as follows:



“4.C. Covered Matters

4.C(1). A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/applicant employee/citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”

9. In light of the legal validity of Clause 4C, as duly upheld by this Hon’ble Court in various judgments, the petitioner is entitled to similar treatment, provided his case is found to be covered under a precedent.

10. In view of the above, the writ petition stands disposed off with a direction to the petitioner to file a fresh representation before Respondent No. 2, namely, the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna, within 30 days from today, raising all his grievances and specifically mentioning that his case is similarly situated to that of Phudan Prasad Gupta. The petitioner shall also enclose a copy of this order. The Principal Secretary shall consider the petitioner’s representation in light of Clause 4C of



the Bihar State Litigation Policy, 2011 and pass a reasoned and speaking order within 90 days thereafter.

11. With the aforesaid observations and directions, the writ petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	26/04/2025
Transmission Date	NA

