

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16013 of 2015

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Rajan Kumar Singh, Son of Late Paramhansh Narayan Singh resident of village - Khoripakar Gobind, P.O. Amnour, P.S. Amnour, District - Saran at Present Posted as Junior Accounts Clerk in the office of Executive Engineer, Building Division, Chapra.

... .. Petitioner

Versus

1. The State Of Bihar.
2. The Secretary, Building Construction Department, Government of Bihar, Bailey Road, Patna
3. The Engineer - in - Chief, Building Construction Department, Government of Bihar, Bailey Road, Patna
4. The Chief Engineer, Building Construction Department, Government of Bihar, Bailey Road, Patna
5. The Superintending Engineer, Building Construction Department, Building Circle, Chapra
6. The Executive Engineer, Building Division, Chapra
7. The District Magistrate, Saran at Chapra
8. Establishment Deputy Collector, Saran Collectorate District Establishment Section , Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the Respondent/s : Mr.Amar Nath Deo, SC-26

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 04-07-2025

In the instant petition, petitioner has prayed for the following reliefs:

“(a) To issue a writ of mandamus, commanding the respondents to discharge their legal obligation to treat the petitioner in service with effect from 16.01.1999, the date on which the District Magistrate, Saran sent the recommendation of the District Level



Compassionate Appointment Committee dated 18.12.1998 to the Superintending Engineer, Building Construction Department, Building Circle, Chapra (Respondent No.5) for appointment of the petitioner on Class III post in Building Construction Department.

(b) To issue a further writ of mandamus, commanding the respondents to shift the date of appointment of the petitioner with effect from 16.01.1999 and go give the benefit of merger of cadre of Junior Accounts Clerk into Senior Accounts Clerk and to further provide the admissible pay scales as provided in resolution of the Finance Department, Government of Bihar dated 25.03.2015 (Annexure-4).

(c) To issue further writ of mandamus commanding the respondents to re fix the pay of the petitioner on the basis of said merger of the post known by unified name as Senior Accounts Clerk (applicable to the persons appointed between 01.05.1980 to 27.09.1999) and to pay the arrears of salary, and other promotional benefits of the petitioner.

(d) To any other relief or relief's for which the petitioner may be found entitled to."

2. Core issued involved in the present *lis* is whether petitioner is entitled to alter his date of entry into service on compassionate appointment from 08.11.1999 to that of



09.04.1999 or not? The cause of action accrued to the petitioner on 08.11.1999. Whereas the present petition was filed in the year 2015. The reasons for delay in approaching this Court is that petitioner's name was not considered for promotion.

3. Learned counsel for the petitioner submitted that delay and laches would not be a hurdle in view of government policy decision dated 25.03.2015, wherein the government policy decision is re-designation of certain cadres that would not get right of the petitioner insofar as altering the date of entry into service. When he was not born on 09.04.1999 in the cadre and he is not entitled to seek appointment with effect from 09.04.1999 with reference to his initial appointment as 08.11.1999.

4. Accordingly, the present Writ petition stands dismissed.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.07.2025
Transmission Date	NA

