

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7407 of 2024**

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Rasik Lal Sharma Son of Late Bechu Sharma, Resident of Village and Post  
-Balbhadrapur, Via-Balua Bazar, P.S. -Birpur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Building Construction Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief-Cum-Additional Commissioner-cum-Special Secretary, Building Construction Department, Govt. of Bihar, Patna.
4. The Additional Secretary, Building Construction Department, Govt. of Bihar, Patna.
5. The Chief Engineer (North), Building Construction Department, Govt. of Bihar, Patna.
6. The Superintending Engineer, Building Construction Department, Works Circle, Saharsa.
7. The Superintending Engineer, Building Construction Department, Building Circle, Purnea.
8. The Executive Engineer, Building Construction Department, Building Division, Supaul.
9. The Executive Engineer, Building Construction and Housing Division, Purnea.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Siyaram Pandey, Adv.  
For the Respondent/s : Mr. K N Jha, AC to GP-11

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 23-07-2025**

Heard the parties.

2. Admittedly, the petitioner had earlier moved before  
  
this Court for regularization of his service in CWJC No. 7666 of  
  
2008, which came to be dismissed vide order dated 30.03.2015,  
  
on account of non prosecution.



3. Subsequent thereto, the petitioner further preferred CWJC No. 9411 of 2019, which too came to be dismissed vide order dated 18.07.2019, due to the delay and laches. The petitioner traveled up to the Apex Court, however, did not get any relief on the matter of regularization.

4. Learned Advocate for the petitioner submitted that now the case of the petitioner is confined to the pensionary benefits, in terms with the decision rendered by the learned Full Bench of this Court in the case of *Mobina Khatoon Vs. The State of Bihar & Ors.*, reported in *2020 SCC OnLine Pat 1879*. It is further contended that surprisingly by the same order of appointment dated 30.01.1981, the petitioner along with one Amrendra Jha and others were appointed. So far the Amrendra Jha is concerned, apart from the fact his services have been regularized, he has also been allowed all the pensionary benefits, however, in the case of the petitioner, it has been said that the said appointment letter is forged and fabricated. The matter is required to be looked into, in view of the aforesaid facts.

5. Learned Advocate for the State vehemently refuted the contention of the petitioner and submitted that once the very appointment letter of the petitioner has been found to be forged



and fabricated, no further benefit could have been granted to the petitioner.

6. Considering the submissions set forth and the materials available on record, this Court is constrained to pass any positive order. However, in view of the specific submission of the petitioner that his case is based upon parity, originating from the identical order of appointment bearing Memo No. 81 dated 30.01.1981, the present writ petition stands disposed off with a liberty to the petitioner to approach before the concerned respondent, is so desired.

**(Harish Kumar, J)**

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| AFR/NAFR          | NAFR       |
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