

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9626 of 2025

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Raj Kumar Jha Son of Late Krishnadeo Jha Resident of Village-Phulkahi,
P.S.-Raiyam, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna.
2. Additional Chief Secretary, Department, of Finance Government of Bihar, Main Secretariat, Patna.
3. Chief Engineer, Water Resources Department, Government of Bihar, Valmiki Nagar, West Champaran (Bihar).
4. Superintending Engineer, Head Works Circle, Water Resources Department, Government of Bihar, Valmiki Nagar, West Champaran Bettiah.
5. Executive Engineer, Head Works Division, Water Resources Department, Government of Bihar, Valmiki Nagar, West Champaran (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kishore Kumar Thakur, Advocate Mr. Braj Kishore Singh, Advocate Mr. Amit Kumar, Advocate
For the State	:	Mrs. Deepika Sharma, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-06-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following relief/s :-

*“I. To set aside the order contained in
Memo no. 187 dated 17.01.2013, issued under
the signature of respondent Chief Engineer,
whereby, while recording misconceived and
irrelevant findings in distinguishing the case of
petitioner for regularizing his service in the
same manner as that of the petitioners in Kosi
Project Workers Association versus The State,*



the respondent Chief Engineer, in compliance of the direction contained in the order dated 03.10.2012, passed in CWJC no. 16099 of 2012, has been pleased to hold that the judgment and order rendered by This Hon'ble Court in Kosi Project Workers Association versus The State (reported in 2007(1) PLJR 358) is not applicable to the case of petitioner. Thereby the benefit of regularization which has been extended to the other similarly situated work charge employees and/or even junior to the petitioner as work charge employee, has been denied to him.

II. To further set aside the decision dated 27.06.2022 arrived at by the Screening Committee of the Water Resources department in its meeting dated 10.06.2022, whereby, even though the Screening Committee has discussed the provisions contained in Rule 239 and rule 243 of the Bihar Service Code, i.e., the leave rules applicable in the case of work charge employee like the petitioner, the Earned leave, Casual leave and/or Extraordinary leave so allowed to the petitioner by the respondent Executive Engineer has been held to be beyond his Jurisdiction. Thereby, while completely ignoring the admitted position that such sanction of leave granted by the respondent Executive Engineer was with due prior direction/permission of his higher authority, i.e, the respondent Chief Engineer himself as well as Superintending Engineer, the Screening Committee has erred in holding that since the petitioner did not complete 10 years of continuous service in the work charge establishment, he does not qualify for his regularization of his service as a regular employee in the regular establishment of the water Resources department, in the light of the decision rendered in L.P.A. no. 166 of 2018



(Mobina Khatoon vs. State of Bihar and Others). The consequential fresh order contained in memo no. 3953 dated 22.12.2023 issued under the signature of respondent Chief Engineer Flood Control and Water Sewerage, Water Resource Department, Muzaffarpur is also prayed to be set aside.

III. For a further direction to the respondents to provide him the benefit of status of a regular employee in terms with the resolution no. 6394(2) dated 23rd October 1987, issued by the respondent State in its Finance department taking into account the continuous service of petitioner as work charged employee from 20.12.1973 till his date of retirement 30.09.2012, including the period of leave availed by the petitioner, which stands sanctioned by his higher authorities as per the leave Rules contained in Bihar Service Code, and further considering the fact that the entire period of service rendered by the petitioner in work charge establishment remained unblemished.

IV. Further prayer is for a direction to the respondents to fix the pension of petitioner and start making payment of the same alongwith other retiral dues and arrears thereof, even without issuance of any order of his regularization in terms with the own resolution of the respondent State circulated by the Finance department contained in Letter/Memo no. 5547 dated 30.07.2019, issued under the signature of its Secretary(Expenditure), as also in compliance of the direction contained in Full Bench Judgment of This Hon'ble Court rendered in L.P.A no. 166 of 2018."

3. Learned counsel for the petitioner submits that the petitioner was appointed under the work-charge establishment



on 20.12.1973 and superannuated from service on 30.09.2012.

4. Learned counsel for the State vehemently opposes the petitioner's prayer and submits that the petitioner has sought to set aside the order contained in Memo No. 187 dated 17.01.2023, whereby his claim for regularization was rejected, along with other consequential reliefs, after an inordinate delay.

5. *Prima facie*, it appears to this Court that the petitioner was appointed on 20.12.1973 and retired on 30.09.2012. However, he has approached this Court for regularization after a lapse of more than 13 years from the date of retirement. In view of such delay, this Court is not inclined to grant any relief at this stage. It is noted that the only ground urged in support of the writ petition is the order dated 23.04.2024 passed by a Division Bench of this Court in MJC No. 2397 of 2023, arising out of L.P.A. No. 969 of 2015, as contained in Annexure-19. It further appears that the petitioner, if at all entitled, could claim relief only under the provisions of the Finance Department Resolution No. 5547 dated 03.07.2019.

6. In view of the above, the writ petition stands disposed off with liberty to the petitioner to file a fresh representation before respondent no. 3, namely, the Chief Engineer, Water Resources Department, Government of Bihar,



within a period of 30 days from today, raising all the grievances as mentioned in the present writ petition. Upon receipt of such representation, respondent no. 3 shall consider and dispose of the same by passing a reasoned and speaking order, strictly in accordance with law and in the light of the Finance Department Resolution No. 5547 dated 03.07.2019, within a period of 90 days from the date of receipt/production of a copy of this order along with the representation.

(Dr. Anshuman, J)

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