

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1456 of 2022

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Arvind Kumar (No.1) Son of Sri Ramashraya Singh, Resident of Village and
P.O. - Ajgara, P.S. - Bhadaur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Deputy Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Engineer - in - Chief, Road Construction Department, Government of Bihar, Patna.
5. The Chief Engineer (Monitoring) Road Construction Department, Government of Bihar, Patna.
6. The Chief Engineer (Mechanical) Road Construction Department, Government of Bihar, Patna.
7. The Superintending Engineer, Mechanical, Circle, National High Way, Patna.
8. The Executive Engineer (Mechanical) National High Way Mechanical Division, Dehri - on - Sone.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Manoj Kr. Ambastha, SC- 26
		Mr. Santosh Kumar Mishra, AC to SC- 26

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 25-06-2026

Heard learned counsel for the parties.



2. The petitioner has filed the instant application for the following relief(s):

“That this is an application for issuance of writ of certiorari for quashing of the order as contained in Memo No.6232 (S) Patna dated 27.10.2020 (Annexure-13) and order dated 12.02.2021 (Annexure-15) passed by Respondent No.3 and 6 respectively by which the reinstatement/ absorption of the petitioner has been denied/ refused in very illegal and erroneous manner even though several junior to the petitioner namely Barmeshwar Prasad and Mr. Ashok Kumar Sharma attained permanent status in department and Sattan Das reinstated in service by the order of this Hon'ble court passed in Civil Review No.378 of 2018 dated 03.04.2019 (Annexure-11) and further to allow this writ application in light of order passed in Civil Review No.378 of 2018 dated 03.04.2019. And if any other relief/reliefs for which petitioner is entitled for in the facts and



circumstances of the case. And also be pleased to allow the petitioner to reinstate in service with all consequential benefit with retrospective effect date back from the date of cancellation of service.”

3. It is submitted by learned counsel for the petitioner that though the petitioner had come to this Court on two earlier occasions and the writ applications were dismissed vide order dated 22.1.2002 passed in C.W.J.C. no. 1120 of 2002 and again by order dated 10.1.2013 passed in C.W.J.C. no. 408 of 2013, pursuant to the leave granted to the petitioner in the order dated 22.1.2002 enabling the petitioner to pursue the matter internally, the petitioner filed a representation before the respondent authorities.

4. The said representation of the petitioner came to be rejected by the order impugned dated 27.10.2020, which is impugned herein.

5. Learned counsel for the petitioner submits that though the 2nd writ application filed by the petitioner was rejected on earlier occasion, however the same was rejected on 10.1.2013 on the ground of delay and laches. Subsequent thereto, one Sattan Das filed Civil Review no.378 of 2018 in



this Court wherein an order dated 3.4.2019 was passed and ultimately relief was granted to him. It is submitted that the case of the petitioner stands on a better footing to that of the said Sattan Das and in view thereof together with the liberty granted to the petitioner by order dated 22.1.2002 to pursue the matter internally, the petitioner be granted the relief as prayed for in the instant application.

6. The application is opposed by learned counsel appearing for the State of Bihar.

7. Having heard learned counsel for the parties and having perused the contents of the petition, from the material on record it transpires that by order dated 23.10.1998, the appointment of the petitioner was cancelled. The same was challenged by the petitioner in C.W.J.C. no. 1120 of 2002 which came to be dismissed by order dated 22.1.2002 (Annexure-6).

8. The order dated 22.1.2002 passed in C.W.J.C. no. 1120 of 2002 is reproduced herein below for ready reference:

“Heard counsel for the parties.

The order impugned as contained in Annexure-5 dated 23.10.1998 is under challenge whereby and whereunder appointment of the petitioner has been cancelled.



Learned counsel for the petitioner submits that the petitioner was a regular employee and in no way he could have been terminated without following the principles of natural justice.

Ex facie, it appears from Annexure-5 that the petitioner was terminated on 23.10.1998 and the matter has come up before this Court in 2002.

In this view of the matter, this application is liable to be dismissed on the ground of delay and laches. It is, accordingly, dismissed. However, the petitioner, if so advised, may pursue the matter internally.”

9. The petitioner once again challenged the order of termination passed in the year 1998 by filing another writ application being C.W.J.C. no. 408 of 2013. The same came to be dismissed by order dated 10.1.2013 (Annexure-8) on the ground of delay and latches.

10. The order dated 10.1.2013 passed in C.W.J.C. no. 408 of 2013 is reproduced herein below for ready reference:

“Having heard counsel for the parties this Court is



constrained to hold the writ application to be barred by the principles of laches and delay, inasmuch as, the order of termination of the petitioner passed in the year 1998 has been sought to be assailed after a period of 15 years by filing this writ application on 07.01.2013.

That being so, this application is dismissed on the ground of delay and laches.”

11. It is not in dispute that both the order dated 22.1.2002 passed in C.W.J.C. no. 1120 of 2002 as also the order dated 10.1.2013 passed in C.W.J.C. no. 408 of 2013 have attained finality.

12. As per learned counsel for the petitioner, L.P.A. no. 280 of 2002 filed against the order of this Court in C.W.J.C. no. 1120 of 2002 was dismissed.

13. Bereft of other details, the petitioner prays for the same relief in a third successive writ application and what he is seeking in affect is a review of the earlier orders passed in the earlier two writ applications in the year 2002 and 2013, and LPA preferred against one of them having been dismissed.

14. The Court finds absolutely no merit in the writ



application and the same is dismissed.

15. Though the Court would have been inclined to impose heavy costs on the petitioner, the same is not being done only for the reason that the petitioner appears to be a daily wager.

(Partha Sarthy, J)

saurovkrishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.6.2026
Transmission Date	NA

