

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7490 of 2026

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Sunil Kumar Son of Late Kailash Mishtri, Resident of Village- Barari, Police Station- Telhara, District- Nalanda, at present residing at Mohalla- Khemnichak, Police Station- Ramkrishna Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Secretary, General Administration Department, Government of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The Establishment Deputy Collector, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate
For the Respondent/s : Mr. U.S.S. Singh, GP-19

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 14-05-2026

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

2. The present writ petition has been filed with the
following reliefs:-

*“I. For issuance of
appropriate writ of mandamus
directing the respondent authorities to
regularize the services of the
petitioner on the post of Peon
(Anusevak) as the petitioner was
earlier engaged to serve as Peon
(Anusevak) in collectorate of Nalanda
and their names were added in 2001*



Panel. It is now well settled that where employees have rendered long, continuous service against work of permanent and perennial nature, the state cannot deny regularization merely on technical or procedural grounds. The Supreme Court in Jaggu vs Union of India SLP (C) No. 5580 of 2024 and Shripal and Another Vs Nagar Nigam, Gaziabad, Civil Appeal No. 8157 of 2024 has categorically held that long years of service coupled with discharge of regular duties creates a legitimate and enforceable right for consideration of regularization and the state cannot exploit such employees indefinitely.

II. To quash the Memo no. 327 dated 24.02.2026 passed by Establishment, Deputy Collector, Nalanda which is not a speaking order and the claim of the petitioner has been rejected on technical and procedural ground. It is not considered that the petitioner has rendered more than two decades of continuous service on the posts of permanent nature and had performed the duties identical to regular employees and the denial of



regularization is arbitrary, unjust and violative of article 14 and 16 of the Constitution of India.

III. For issuance of any such order/orders which the Hon'ble Court deem fit and proper.”

3. Learned Counsel for the petitioner submits that the petitioner was working as peon, Class-IV, in the Collectorate, Nalanda since 1994-1996 and was continuously discharging the duty of permanent and perennial nature for more than 25 to 30 years. A panel was also prepared for appointment on the post of peon, in which his name was included. Counsel submits that representation was filed by the petitioner which was rejected vide Memo No. 327 dated 24.02.2026, relying upon the Government circular dated 23.06.2020 without application of mind. Counsel has relied upon the case of **Jaggu Vs. Union of India** passed by Hon'ble Apex Court in SLP(c) No. 5580/2024 and **Shripal and Another Vs. Nagar Nigam, Gaziabad, in Civil Appeal No. 8157/2024.**

4. Learned Counsel for the State, on the other hand, submits that after the order passed by this Hon'ble Court in **Kapil Kumar** case, the Government of Bihar has framed a new rule, namely, Bihar Office Attendant/Attendant (Special) (Recruitment and Service Conditions) Rules, 2023. Counsel



submits that the then panel was made for only one year and after the said rule framed in the year 2023, there is no scope for the petitioner and every appointment on Group-D shall have to be made only through the Commission and once such appointment has also been made granting relaxation of age as well as the educational qualification and, thereafter, the petitioner has filed the present writ petition.

5. In the light of the submissions made more particularly the rule framed in the year 2023, under which the peon has to be appointed by virtue of selection process through the Commission considering the persons as like that of the petitioner, who worked earlier granting liberty of relaxation of age and educational qualification, this Court deem it appropriate that there is no scope for the petitioner. Hence, this writ petition is dismissed.

(Dr. Anshuman, J)

Mkr./Bipin/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2026
Transmission Date	

