

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9525 of 2024

=====

Nagendra Singh Son of Late Shiv Nandan Singh Resident of Village and P.O.-
Sirsi, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Election Department,
Govt. of Bihar, Patna.
2. The Chief Electoral Officer, Election Department, 7- Mangles Road, Patna.
3. The Deputy Chief Electoral Officer, Election Department, 7- Mangles Road,
Patna.
4. The Joint Secretary, Election Department, 7- Mangales Road, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Satya Ranjan Sinha, Advocate Ms. Srishti Kumari, Advocate
For the State	:	Mr. Mukund Mohan Jha, (AC to GP-27)
For the ECI	:	Mr. Siddhartha Prasad, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-02-2026 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Election
Commission of India.

2. The present writ application has been filed for
issuance of a writ in the nature of certiorari and mandamus or
any other appropriate writ/ writs, order/ orders, direction/
directions commanding the respondents to grant the following
relief/s:-

*“I. To quash the order dated 10.12.2018
passed by the Chief Electoral Officer-cum-
Secretary, Election Department, Government
of Bihar, Patna in Appeal Case No. 01/2018
forthwith.*



II. To direct the concerned Respondents to appoint the petitioner casual labour to permanent post as a Peon in Election Department forthwith.

III. To direct the concerned Respondents to consider the prayer of the petitioner forthwith.

IV. To grant any other relief/reliefs which the petitioner may be found entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioner directly submits that the petitioner had earlier moved before this Court in C.W.J.C. No. 13906 of 2010, which was heard and disposed of *vide* order dated 18.09.2012. Thereafter, the petitioner again filed a writ petition bearing C.W.J.C. No. 5208 of 2015, which was also heard and disposed of *vide* order dated 27.08.2018. Subsequently, the petitioner filed M.J.C. petition bearing M.J.C. No. 221 of 2019, which was disposed off as not pressed *vide* order dated 25.01.2024. Counsel submits that by those orders passed by this Hon’ble Court, the respondent authority was directed to pass order hearing the petitioner, and in that light, the concerned authority has passed order on 10.12.2018 in Appeal Case No. 1/2018 by which the Chief Electoral Officer-cum-Secretary, Election Department, Government of Bihar, Patna has rejected the claim of the petitioner for regularization on the



ground that the petitioner has not worked 240 days continuously for about last five years.

4. Whether the petitioner has worked for 240 days for five years or not is a disputed question which can only be tested by the competent Labour Court and not by the High Court.

5. It is due to this reason, this writ petition stands disposed off with liberty to the petitioner to avail his remedy before the competent Labour Court challenging the order dated 10.12.2018 passed by the Chief Electoral Officer-cum-Secretary, Election Department, Government of Bihar, Patna. And, the competent Labour Court shall decide the issue involved in this matter after hearing both the parties. The petitioner shall move before the competent Labour Court within 60 days from today along with a copy of this order.

(Dr. Anshuman, J)

Divyansh/-

U			
---	--	--	--

