

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1988 of 2024

In
Civil Writ Jurisdiction Case No.6191 of 2018

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Upendra Prasad Singh S/o Late Ayodhya Prasad Singh, R/o House No.71,
Road No.14, Sri Krishna Nagar, Pulwari, P.S.Buddha Colony, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Kumar Ravi, the Principal Secretary, Building Construction Department Government of Bihar, Visheshwaraiya Bhawan, Patna
2. Sandeep Kumar R. Pudkalkatti, the Principal Secretary Road Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna
3. Rajesh Kumar Singh, the Additional Secretary, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna
4. Sanjay Kumar Singh, the Joint Secretary, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna
5. Gyanendra Kumar, the Deputy Secretary, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna

... .. Opposite Party/s

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with

Miscellaneous Jurisdiction Case No. 3598 of 2024
In
Civil Writ Jurisdiction Case No.6191 of 2018

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1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna.
3. The Additional Secretary, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna.
4. The Joint Secretary, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna.
5. The Deputy Secretary, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna.

... .. Petitioner/s

Versus

Upendra Prasad Singh S/o late Ayodhya Prasad Singh R/o house no. 71, Road
No. 14, Sri Krishna Nagar, Pulwari, P.S. Buddha Colony, District-Patna.

... .. Opposite Party/s



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Appearance :

(In Miscellaneous Jurisdiction Case No. 1988 of 2024)

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Additional Advocate General 12

(In Miscellaneous Jurisdiction Case No. 3598 of 2024)

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 11-03-2026 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Re: MJC No. 3598 of 2024

2. The present MJC petition, namely, MJC No. 3598 of 2024, has been filed by the State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna, for modification of the order dated 28.02.2024, passed in CWJC No. 6191 of 2018.

3. Learned counsel for the petitioners in MJC No. 3598 of 2024, (Opposite Parties in MJC No. 1988 of 2024) submits that the Opposite Party, who was appointed on an ad hoc basis up to 30.06.1986, was required to be treated as a regular employee from the date of their initial appointment. Since the Opposite Party was appointed in the Education Department, the Building Construction Department was the nodal department for such employees appointed in the Education Department. It has also been submitted that the



Building Construction Department processed the case of the Opposite Party and regularized their service from 31.01.2015 vide Notification No. 8943, dated 12.09.2016, as per the provisions of the Act.

4. Counsel for the petitioners in MJC No. 3598 of 2024 further submits that the Opposite Party filed a writ petition bearing CWJC No. 6191 of 2018 for shifting the date of regularization from the date of their initial appointment, which was allowed in favour of the Opposite Party. However, the Opposite Party could not consider the same due to the fact that the Joint Engineering Cadre had been divided between the Road Construction Department, Building Construction Department, and Rural Works Department vide Departmental Resolution Memo No. 6115 (S) dated 29.07.2013, and as a result of cadre division, action on seniority/promotion/retiral benefit/service regularization/vigilance matters/judiciary matters, and other pending matters of various engineers will be taken by the concerned cadre controlling department.

5. Therefore, learned counsel for the petitioners in MJC No. 3598 of 2024 submits that a modification is required in this matter.

6. Learned counsel for the Opposite Party in MJC No.



3598 of 2024 (Petitioner in MJC No. 1988 of 2024) submits that the admitted position is that the Opposite Party was in service and worked for the Building Construction Department. Counsel further submits that the initial appointment of the Opposite Party was made by the Road Construction Department itself, which has not been denied by the counsel for the petitioners in MJC No. 3598 of 2024.

7. In this view of the matter, this Court is of the view that the Principal Secretary, Road Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna (Petitioner No. 2 in MJC No. 3598 of 2024 & Respondent No. 2 in MJC No. 1988 of 2024) is the competent person to pass the order, and the Court has passed the order correctly.

8. It is made clear that, in case the Principal Secretary, Road Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna needs any concurrence from another department or other officials, it is his absolute duty to comply with the order, and he cannot shift his responsibility to others.

9. In this background, MJC No. 3598 of 2024 is hereby rejected. It is directed to the Principal Secretary, Road Construction Department, Government of Bihar,



Visheshwaraiya Bhawan, Patna to comply with the order dated 28.02.2024 passed in CWJC No. 6191 of 2018.

10. Accordingly, MJC No. 3598 of 2024 shall be detagged from MJC No. 1988 of 2024.

MJC No. 1988 of 2024

11. Since MJC No. 3598 of 2024 has already been rejected, the present MJC, i.e., MJC No. 1988 of 2024, shall be detagged from MJC No. 3598 of 2024 and shall be listed separately on 17.04.2026.

12. It is made clear that a direction has been issued to the Principal Secretary, Road Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna in MJC No. 3598 of 2024 to comply with the order dated 28.02.2024 passed in CWJC No. 6191 of 2018.

(Dr. Anshuman, J.)

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