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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C.No. of 2012

Ram Manohar Kumar .....Petitioner

Versus

The State of Bihar & others .....Respondents

Sub:- Regularisation (Non-gazatted)

I N D E X

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SYNOPSIS

Prayer: For direction to respondents consider the case of the petitioner for regulation of service of the petitioner on the post of 4th grade post ,on the ground he has been worked more than three years and his case have been recommended by the chief Engineer for regularisation/appointment of the petitioner, inspite of respondents has not consider the case of petitioner for regularisation / appointment against class IV post and further give other legal and consequential benefit attached to the post of petitioner .

Dt.21.09.89: Petitioner having qualification matric pass, he is entitled for appointment/regularisation on the IV th class post in the respondent Department.

Dt.11.01.96: Petitioner was working as daily wages on the class Iv th ( work sarkar) since 1993 subsequently he has discharhing duty as Master roll, petitioner filed application before respondents, for regularisation of service thereafter respondent Chief Engineer issued a letter memo no.3-101/96-29 dated 11.01.96 by which directed to respondent Executive Engineer , Madhepura for regularisation of service of petitioner but respondent authority did not consider as yet.

Dt.03.12.96: Petitioner was working continuously before the respondents till 2008, there & 18.08.11 after he has orally debar from work, whenever he filed several application in the light of annexure-2 by which directed to respondents for consider for regularisation of service of petitioner but not consider as yet, whenever since 1996 to till today petitioner filling application under due impression his case shall be consider by the respondents, sake of evidence petitioner has advice to annexe the application, which was filed on 03.12.96 and last filed application on 18.08.2011

Hence this writ petition.



To,

The Hon'ble Ms Justice Rekha M. Doshit, the Chief Justice of the High Court of Judicature at Patna and her companion Justices of the said Hon'ble Court.

The humble application on behalf of  
petitioner above named.

Most Respectfully Sheweth:-

1. That the writ application is being filed for insuance of the nature of mandamus for direction to respondents consider the case of the petitioner for regulation of service of the petitioner on the post of 4th grade post ,on the ground he has been worked more than three years and his case have been recommended by the chief Engineer for regularisation/appointment of the petitioner, inspite of respondents has not consider the case of petitioner for regularisation / appointmenty against class IV post and further give other legal and consequential benifit attached to the post of petitioner .
2. That the main points involved in this writ application are as follows.
  - I) Whether petitioner has been worked more than three years before the respon dents thus respondents should have consider the case of petitioner for regularisation /appointment against the class iv post or not?
  - II) Whether similarly situated persons who was working alongwith petitioner, their case have been consider for apointment/ regularasation, thus petitioner has also deserves for consideration by respondents or not?
  - III) Whether petitioner submitted application for appoinment on the post of IV th class and thereafter application of the petitioner was considered on the post of IVth class as Daily wages and directed to submit joining or not ?.
  - IV) Whether Service of petitioner is satisfactory to the authority concern or not ?.
  - V) Whether action of respondents is illegal arbitrary and malafide or not

3. That petitioner is citizen of India and is entitled for right gurantee under the Constitution of India.

4. That petitioner having qualification matric pass, he is entitled for appointment/regularisation on the IV th class post in the respondent Department.

A true photo copy of matric certificate dt,21.09.89 is annexed as Annexure -1 of this application.

5. That petitioner was working as daily wages on the class Iv th ( work sarkar) since 1993 subsequently he has discharhing duty as Master roll, petitioner filed appli cation before respondents, for regularisation of service thereafter respondent Chief Engineer issued a letter memo no.3-101/96-29 dated 11.01.96 by which directed to respondent Executive Engineer , Madhepura for regularisation of service of petitioner but respondent authority did not consider as yet.

A true photo copy of letter dated 11.01.96 is annexed as Annexure-2 to this application.

6. That petitioner was working continuously before the respondents till 2008, there after he has orally debar from work, whenever he filed several application in the light of annexure-2 by which directed to respondents for consider for regularisation of service of petitioner but not consider as yet, whenever since 1996 to till today petitioner filling application under due impression his case shall be consider by the respondents, sake of evidence petitioner has advice to annexe the application, which was filed on 03.12.96 and last filed application on 18.08.2011

True photo copy of application dt.03.12.96 & 18.08.11 are annexed as Annexure-3 & 4 to this application.

7. That it is needful to state here that petitioner was working since 1993, alongwith

other persons as daily wages as master roll, but respondent consider the case of similarly situated persons, and their services have been regularised but case of petitioner has not been consider as yet, hence present application is beinf filed.

8. That petitioner having date of birth on 05.06.75, at presnt he is aged about 37 years, old, now petitioner has been crossed the age for the government service during the respondent department and have no option to go any where.

9. That further needful to state here that respondents have been voilated Article 14 and 16 of the Constitution of India. on the ground persons who were working alongwith petitioner, their services have been considered for regulaerisation.

10. That the action of action of respondents is illegal arbitrary and malafide

11. That on the above facts and circumstances of the case petitioner deserve relief by this Hon'ble Court.

12. That petitioner has no other efficacious and alternative remedy save and except to move before this Hon'ble Court.

13. That petitioner has not moved any time earlier for the relief sought for in para-1 of this writ application.

It is therefore, prayed that your lordship may graciously be pleased to issue notice to show cause as to why the relief sought for in para-1 of this writ application be not granted to the petitioner and upon cause being shown if any and after hearing the parties pass such other order/orders as your lordships may deem fit and proper in the facts and circumstances of the case;

And for this the petitioner shall ever pray.

AFFIDAVIT

I, Ram Manohar Kumar, aged about 37 years, son of Birendra Prasad Yadav , resident of Village-Tiri, P.O.-Dhanjhoha, P.S.-Sour Bazar, District- Saharsa, do hereby solemnly affirm and state as follows:-

1. That I am petitioner in this case and as such am well acquainted with the facts and circumstances of the case.
2. That I have gone through the contents of this application and have fully understood the same. The statements made in paragraphs no.3 and 7 to 8 are true to my knowledge and those made in paragraphs no. 4,5 and 6 are based on information derived from the records of the case and rest are by way of submission before this Hon'ble Court.
3. That annexures are true/photo copies of the originals.

राममनोहर कुमार

कि

RAM NANO

BIRENDRA

05 JUNE

की वार्षिक/षू  
उनका पाँचवां  
समाजोपयोगी

A

बिहार विद्याल  
पटना, तिथि



Annexure-2 (2)

बिहार सरकार,  
लोक स्वास्थ्य अभियंत्रण विभाग ।

हाफांक:-3/समा-101/96-29 /पटना-15, दिनांक:- 11.1.96

सेवा में,

कार्यपालक अभियंता,

लोक स्वास्थ्य प्रबंधक मधेपुरा ।

विषय:- श्री राम मनाहर कुमार पिता श्री बीरेन्द्र प्रसाद यादव,  
जिला सदरसा की समाधीजन के सम्बन्ध में ।

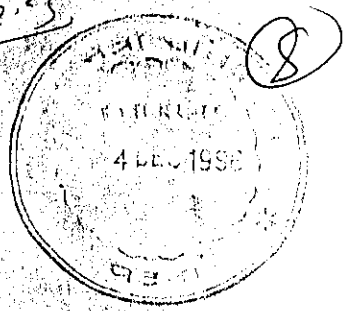
उपरोक्त विषयक विभागीय मंत्री जी से प्राप्त जे.स.ओ. सं-  
12468/आ.08 दिनांक 1.12.95 अनुलग्नक सहित की कोटो कॉपी संलग्न  
कर आवश्यक कार्रवाई हेतु भेजी जा रही है ।

अनु०:-यथोपरि ।

१ म० नवाँ ११/१६  
मुख्य अभियंता, ग्रामीण ।

दिनांक 3

Home pass 3



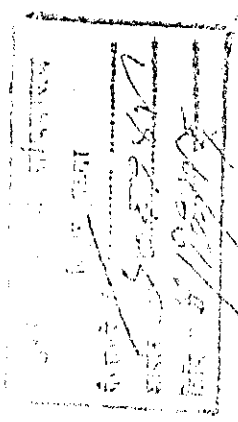
विभाग पर्यावरणी,  
लोक स्वास्थ्य अभियन्ता विभाग  
बिहार, पटना ।

विषय: - समायोजन के सम्बन्ध में ।

प्रयोग: - जापाक-3/समा-101/96 -29/पटना-15 दिनांक-11/1/96  
एवं विभागीय तारी जी से प्राप्त गे० सो प्रे० 1246/जा० दिनांक-  
1/12/95 एवं विभागीय अभियन्ता प्रमुख गे० सो प्रे० 1230/जा०  
दिनांक-29/11/95 दिनांक-29-11-95 तथा आयुक्त एवं सहायक  
स्वास्थ्य अभियन्ता विभाग बिहार पटना के जापाक-504 दिनांक-  
4/12/95 एवं स्वास्थ्य बिहार राज्ये पूज निर्माण निगम, पटना  
जापाक-258 दिनांक-30/12/95

महोदय,

सविनय निवेदन है कि मुझे बिहार सरकार लोक स्वास्थ्य अभियन्ता  
विभाग जापाक-3/समा-101/96-29 /पटना दिनांक-11/1/96 मुख्य अभियन्ता



बिहार सरकार पटना के द्वारा मुझे समायोजन के सम्बन्ध में कार्यपालक अभियन्ता  
लोक स्वा० प्रमोद महेश्वर को रिखा गया था । परन्तु मेरा समायोजन तब तक  
नहीं मिला है ।

अतः श्रीमान् से प्रार्थना है कि अपने स्तर से मुझे पूर्णिया एवं  
सहरसा के निरी लोक स्वास्थ्य प्रमोद में समायोजन के लिए सचिवता अपने स्तर से  
अभियन्ता प्रमुख लो० स्वा० अभि० विभाग बिहार सरकार पटना को भेजने की  
जाय ।

श्रीमान् को भेजा गया है  
बिहार सरकार

निवेदन करने वाले का नाम  
श्रीमान् को भेजा गया है  
दिनांक 3-12-96

बिहार राज्य  
राजमनोहर कुमार  
पिता-श्री बीरेन्द्र प्रसाद  
ग्राम-तीरी, पो-तीरी  
थाना-ग्रंथ मोरवाजार  
जिला-सहरसा ।

Handwritten signature and text at the bottom of the page.

Ameyam

9

सेवा में,

मुख्य अभियन्ता  
लोक स्वास्थ्य अभियन्त्रण विभाग,  
बिहार सरकार, पटना

विषय: समायोजन के सम्बन्ध में ।

प्रसंग: बिहार सरकार लोक स्वास्थ्य अभियन्त्रण विभाग ज्ञापांक  
31/समा0-101/96-29/पटना 14, दिनांक 11.01.1996  
एवं विभागीय मंत्री जी से प्राप्त गौ० स० प्रो० सं०  
1246(आ०) दिनांक 29.11.1995 तथा आयुक्त एवं सचिव  
लोक स्वास्थ्य अभियन्त्रण विभाग बिहार, पटना के ज्ञापांक  
504 दिनांक 01.12.1995 एवं अध्यक्ष बिहार राज्य पुल  
निर्माण निगम, पटना ज्ञापांक 258 दिनांक 30.12.1995

महाशय,

सेवा में निवेदन है कि मैं वर्ष 1993 में दैनिक वेतन भोगी  
के रूप में चतुर्थ वर्गीय कर्मचारी के पद पर नियुक्त हुआ था तदोपरांत  
मेरी सेवा को समायोजन करने के लिए बिहार सरकार लोक स्वास्थ्य  
अभियन्त्रण विभाग ज्ञापांक 3/समा-101/96-29/ पटना, दिनांक 11.01.  
1996 मुख्य अभियन्ता ग्रामीण बिहार सरकार, पटना के द्वारा मुझे  
समायोजन के सम्बन्ध में कार्यपालक अभियन्ता, लोक स्वास्थ्य प्रमंडल,  
मधेपुरा को लिखा गया था। परन्तु मेरा समायोजन नहीं किया गया है।  
इस सम्बन्ध में कई दफे आवेदन श्रीमान को दे चुका हूं।

अतः श्रीमान से प्रार्थना है कि मुझे अपने स्तर से पूर्णियां  
एवं सहरसा के किसी लोक स्वास्थ्य अभियन्त्रण प्रमंडल में समायोजन

10

करने का कृपा किया जाय। इस कार्य हेतु मैं श्रीमान का सदा आभारी  
रहूंगा।

विश्वासभाजन

राममनोहर कुमार

पिता- श्री बीरेन्द्र प्रसाद यादव

ग्राम-तीरी - पोस्ट-तीरी नछोहा

थाना+प्रखण्ड - सौर बाजार

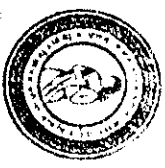
जिला- सहरसा।

दिनांक : 18.08.2011

- प्रतिलिपि: 1. अभियंता अधीक्षक लोक स्वास्थ्य अभियंत्रण मधेपुरा ।  
2. कार्यपालक अभियंता, लोक स्वास्थ्य अभियंत्रण मधेपुरा।

सं०/89C 0106335

# बिहार विद्यालय परीक्षा समिति



प्रमाणित किया जाता है

कि RAM MANOHAR KUMAR रोल कोड 04106 कमांक 0926 जी

BIRENDRA PRASAD YADAV के पुत्र / की स्त्री हैं, और जिनकी जन्म-तिथि

05 JUNE 1975 ई० है, HANOHAR HIGH SCHOOL BAIJNATH PORE 1939 ई०

की वार्षिक/ब्रसक माध्यमिक परीक्षा में SECOND श्रेणी में उत्तीर्ण हुए/हुई।

उनका पाँचवां विषय MATHEMATICS रहा जिसमें वे उत्तीर्ण/अनुत्तीर्ण रहे।

समाजोपयोगी उत्पादक कार्य तथा सामुदायिक सेवा के आधार पर विद्यालय द्वारा प्रदत्त ग्रेड

A \_\_\_\_\_ है।

बिहार विद्यालय परीक्षा समिति

पटना, तिथि 21/09/1985 ई० | 4/092653

  
सचिव