

## Kushum Lal Mehta Vs The State of Bihar and Others

**Court:** Patna High Court

**Date of Decision:** Sept. 29, 2003

**Citation:** (2004) 2 PLJR 114

**Hon'ble Judges:** Ravi S. Dhavan, C.J; Shashank Kr. Singh, J

**Bench:** Division Bench

**Final Decision:** Dismissed

### Judgement

@JUDGMENTTAG-ORDER

1. By this letters patent appeal, the Appellant has challenged the order of 3rd July 2003 in CWJC. No. 199 of 1999 Kushum Lal Mehta v. The

State of Bihar and Ors. It is necessary to reproduce the order which has been passed on the petition. It is below:

The Petitioner is aggrieved by an order by which he has been reverted from Class III post to Class IV post. The Petitioner was earlier

workcharged employee. In course of time, he was absorbed in the regular-establishment on Class III post. This was not permissible. The relevant

Government order does not permit adjustment of a workcharged employee holding lower post on higher post. In this view of the matter, the order

of reversion does not appear to be illegal.

I thus do not find any merit in the writ petition which is accordingly dismissed.

2. Upon hearing learned Counsel for the Appellant and having perused the record of the petition as well as the appeal and also the order passed

on the writ petition, this Court is unable to certify that the learned Judge has committed any error.

3. The Appellant concedes that he had been employed on the workcharge establishment. This means that he had made the entry to a Class IV

post through the backdoor. Where millions are unemployed, the manner in which the Petitioner-Appellant got in, he should think himself to be

lucky that he had retained a job on a Class IV post. He cannot move on Class III post.

4. There is no error on the order of the learned Judge.

5. Dismissed.