

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2703 of 2015

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Umesh Chandra Sharma son of Shri Indradeo Singh, resident of village - Darvey,
P.S. Bhadaul, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary Higher Education, Govt. of Bihar
2. The Vice Chancellor, Magadh University Bodh Gaya, District Gaya
3. The Registrar, Magadh University Bodh Gaya, District Gaya
4. The Principal, T.P.S. College, at & P.O. Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Kant Shukla

Mr. Shakti Suman Kumar

For the Respondent State: Mr. Birendra Kumar, AC to GP19

For the University : Mr. Vipin Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-04-2015

A K Tripathi, J.

Heard counsel for the petitioner, counsel for the University as well as
the State.

2. Impugned annexure is Anneuxre-8 dated 25/8/2014. This is an
order or rejection of the claim of the petitioner for regularization as a night guard
in T P S College, Patna.

3. The Registrar of Magadh University has clearly indicated that
petitioner is not working as a daily wager regularly but his services have surely
been utilized on need-base from time to time and for such hiring he has been paid
his remuneration. Obviously, the long association with the College in question has
emboldened the petitioner to approach the Court for regularization.

4. Regularization in a College or a University cannot be a matter of
course. Besides other requirements, sanctioned posts must be available. It has to

be made available by the State of Bihar in the concerned College and University before any kind of financial obligation is created upon the State, especially when a College or a University have no capacity to pay a penny to such engaged person.

5. In the above circumstance and with the given facts with regard to the nature of engagement of the petitioner, there cannot be a direction for regularization. If sanctioned posts are made available by the State for the College in question, the claim of the petitioner may be considered in accordance with law but no right as of now is created which warrants interference with the impugned order, contained in Annexure-8.

6. Writ application is, otherwise, dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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