

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6008 of 2008

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Ramji Mistri @ Ramji Pandit, S/o Sri Faujdar Pandit, Mohalla- Chiraiyatarh
Khasmahal More, P.S.- Jakkanpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. Director General cum Inspector General of Police, Bihar, Patna.
3. The I.G. of Police, Operation, Special Task Force, Old Secretariat, Patna.
4. DIG of Police, S.T.F., Bihar, Patna.
5. S.P, Special Task Force, Ekta Bhawan, Gandhi Maidan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

Mr. Sandeep Kumar, GA-8

Mr. Vivekanand Singh, AC to GA 8

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 21-07-2015 No one appears on behalf of the petitioner. learned
counsel for the State is present.

2. This Court, having found that there is prayer to regularize the service of the petitioner on the post of Cook in Special Task Force (S.T.F.) and that the petitioner's engagement was on daily wage, and that keeping in view of the ratio laid down by the Full Bench of this Court in the case of **Ram Sevak Yadav Vs The State of Bihar & Ors.**, reported in **2013(1) PLJR 964**, it must be held this writ application is to be also governed by the law laid down in the case of **Ram Sevak Yadav** (supra), wherein it has been held as follows:

"We therefore sum up our conclusions and answer the reference as follows:-



(A) *Secretary State of Karnataka vs Uma Devi*, reported in 2006(2)PLJR (SC) 363, prohibits regularization of daily wage, casual, ad-hoc and temporary appointments, the period of service being irrelevant;

(B) An illegal appointment void ab initio made contrary to the mandate of Article 14 without open competitive selection cannot be regularized under any circumstances.

(C) Irregular appointments can be regularized if the appointment was made by an authority competent to do so, it was made on a vacant sanctioned post, in accordance with Article 14 of the Constitution with equal opportunity for participation to others eligible by competitive selection and the candidate possessed the eligibility qualifications for a regular appointment to the post.

(D) The appointment must not have been an individual favour doled out to the appointee alone and the person must have continued in service for over ten years without intervention of any Court orders.

The petitioners were appointed in temporary capacity by a process contrary to Article-14 of the Constitution without competitive selection as an individual favour doled out to them. There is no material to hold that they were appointed against vacant sanctioned post and possessed qualifications for the same. They were terminated before (*Uma Devi*) (*supra*) and have sought to retain their status by virtue of Court proceedings and are therefore not entitled to the benefits of paragraph 53. The issue of any procedural irregularity for a finding of forged appointment is therefore irrelevant."

3. That being so, this writ application is, accordingly,
dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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