

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7503 of 2014

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1. Shishir Kumar Vidyarthi son of Sri Ram Lakhan Prasad of village Painathi, P.S.Bihta, District Patna
 2. Subodh Kumar Vidarthi son of Ram Ayodhya Prasad of village Gayaspur, P.O. Ahiyapur (Maner), P.S.Maner, District Patna
 3. Uma Shankar Prasad Verma son of Ramchandra Mahto of village Painathi, P.S.Bihta, District Patna, Bihar
 4. Suday Kumar son of Ram Narayan Singh, resident of village Painal, P.S.Bihta, District Patna
 5. Mahesh Kumar son of Permanand Singh, resident of village Ranipur, P.S.Phulwarisharif, District Patna
 6. Umesh Prasad @ Umesh Kumar son of Sri Mahesh Prasad, resident of village Fingi, P.S.,Bihiya, District Bhojpur, Ara, Bihar
 7. Sanju Kumari daughter of Ganesh Prasad, resident of village Mahua Telpa, P.S.Bikram, District Patna, Bihar
 8. Suraj Prakash son of Ram Nandan Mistri, resident of village Dhandhar Bigha, P.S.Jehanabad, District Jehanabad, Bihar
- Petitioner/s

Versus

1. The State Of Bihar through Secretary, Food and Civil Supplies, Govt. of Bihar, Patna
 2. The District Magistrate, Patna
 3. The Deputy Collector (Establishment), Patna
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Respondent/s : Mr. Rajiv Roy, GP 5
Mr.Suresh Kumar, AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 20-01-2015

The petitioners, 8 in number, have filed the present writ petition seeking a direction to the respondents to consider their claims for regularization in the light of Government letters dated 18.06.1993 and 16.03.2006 contained in Annexure-3 series.

2. On their own showing, the petitioners were engaged on daily wage basis in the year 1988 and they were disengaged from service as far back as in the year 1997. Apparently, the petitioners are no longer in service of the State Government even on daily wage basis

after 1997 i.e. for the last 18 years. The Hon’ble Apex Court in the case of **Secretary, State of Karnataka & others Vs. Uma Devi (3) & others [(2006) 4 SCC 1]** has laid down the law, particularly, in paragraph 43 that engagement or appointment on daily wage or casual basis would come to an end when it is discontinued.

3. In view of the fact that the petitioners were disengaged from service as far back as in the year 1997 and they are no longer in service for last 18 years and they have filed the present Writ petition before this Court in the year 2014, therefore, the present writ petition suffers from delay and laches and on that ground alone, the reliefs sought for cannot be granted to them.

4. For the reasons recorded above, the writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

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