

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5949 of 2008

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Baijnath Ram, s/o Matukan Ram, resident of Village + P.O- Akhagaon,
P.S.- Sandesh, Dist- Bhojpur at Arrah.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Old Secretariat, Patna.
2. Director General cum Inspector General of Police, Bihar, Patna.
3. I.G of Police, Operation, Special Task Force, Old Secretariat, Patna.
4. D.I.G. of Police, S.T.F., Bihar.

.... 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 JUDGMENT

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

2. The prayer of the petitioner in this writ application
for regularisation of his services in the Establishment of Bihar
Military Police on the ground that he was engaged initially on
daily wages stands answered by the Full Bench of this Court in the
case of **Ram Sevak Yadav Vs The State of Bihar**, reported in
2013(1) PLJR 964, 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, in view of the judgment of the Full Bench in the case of **Ram Sevak Yadav** (supra), this case is also covered by the ratio of the Full Bench, and it is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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