

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16489 of 2008

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1. Hari Kishore Mahto, son of Sri Ramendra Mahto, resident of village Narayanpur , P.O.- Chatana Bishunpur , P.S .- Pipradih, District – sheohar.
 2. Sunil Kumar son of Sri Bhuwaneshwar Prasad, resident of village – Salugang, P.O. & P.S.- Biharsharif, District- Nalanda.
 3. Ajay Kumar Gupta son of Sri Paras Nath Gupta, resident of village & P.O.- Bhagwanpur, P.S.-Sadar, District-Muzaffarpur.
 4. Chandra Mohan Choudhary son of late Higan Choudhary, resident of village – Barkurva, P.S. – Kurhani, District-Muzaffarpur
 5. Yadav Lal Sah, son of late Gopal Sah, resident of village & P.O.- Hajipur, P.S. Kesharia Kalyanpur, District- East Champaran at Motihari
 6. Subodh Kumar Paswan, son of Sri Nago Paswan, resident of village- Brahmapur Jhitkaban, P.O. Brahmpura M.I.T, P.S. Brahampura, District- Muzaffarpur
 7. Hari Shankar Thakur, son of Sri Sam Chandan Thakur, resident of village- Repura, P.O.- Bisundarpur, P.S.- Karja, District-Muzaffarpur

.... Petitioners

Versus

1. The State of Bihar
2. The Secretary, Science and Technology Department, Government of Bihar, Patna
3. The Director, Science and Technology Department, Bihar, Patna
4. The Commissioner, Tirhut Division, Muzaffarpur]
5. The District Magistrate-cum-Collector, Muzaffarpur
6. The Deputy Collector, Establishment, Muzaffarpur
7. The Deputy Collector, Nazarat, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shanti Pratap

For the State : Mr. AC to AAG-11

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 18-09-2015 Heard learned counsel for the petitioners and

learned counsel for the State.

The petitioners seek appointment on Class-IV
post in Muzaffarpur Collectorate on the basis of panel prepared
on 14.8.2006 and published on 18.8.2006 against sanctioned and

vacant Class-IV (Group-D) posts under the Muzaffarpur
Collectorate.

In the counter affidavit the stand has been taken
that the question of regularization of the persons on daily wages
is the subject-matter of Resolution No. 5940 dated 8.6.1993
which was replaced by Resolution No. 639 dated 16.3.2006 and
the petitioners do not come under the purview of the said
Resolution. Learned counsel for the State however, further argues
that after the decision of the Supreme Court in the case of
Secretary, State of Karnataka Vs. Uma Devi: (2006) 4 SCC 1, no
such direction can be sought by the petitioners.

I am in agreement with the aforesaid submission
of learned counsel for the State. It is too late in the day to claim
any regularization on the basis of having worked as daily wagers.
Even in Uma Devi's case (supra) only as a one time measure
cases of those who had clear cut ten years of service were to be
considered. No such direction had been sought by the petitioners
at earlier stage nor that can be granted at this belated stage.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

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