

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8177 of 2014

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Ram Chandra Kumar, son of Late Tilo Sah Chaukidar, Dumri Ghat Bridge Division
No. 1 Road Construction Department, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Government of Bihar, Patna
2. The Principal Secretary, Department of Road Construction, Government of Bihar, Patna
3. The Superintendent Engineer, Ganga Bridge Circle No. 2, Bhagalpur
4. The Executive Engineer, Dumri Ghat Bridge, Division No. 1, Road Construction Department, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra
For the Respondent/s : Mr. Ram Babu Rai
AC to SC-14

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 19-08-2016

Heard learned counsel for the parties.

The impugned order is Annexure-7. This has been passed at the level of the Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna. The Secretary has passed the order in light of the directives issued in a writ application earlier for consideration of the case of the petitioner for regularization.

The Secretary, after giving due opportunity of hearing to the parties and verifying the records, has recorded that there was engagement of the petitioner as daily-wager between 01.02.1985 to 30.11.1993 and

thereafter he was disengaged.

The reason for not extending the benefit of regularization was only that the petitioner did not fulfill the requirements as laid down by the Hon'ble Apex Court, in the case of Uma Devi, reported in (2006) 4 SCC 1.

The decision or the reasoning given by the Secretary does not suffer from any element of irrationality or arbitrariness, coupled with the fact that the issue of regularization has now remained more academic, because no substantive relief can be given to the petitioner, especially when he has no correlation with the respondent-State authorities from 1st of December, 1993 till now. 23 years have gone past, since he was disengaged. That weighs with the Court in not tinkering with the impugned order as such.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
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