

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.147 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 10543 of 2015

- =====
1. Binod Chaudhary, S/o Sri Jugal Prasad, R/o Village-Sarmasपुर, P.O.-Kalwari, P.S.-Kanti, District-Muzaffarpur.
 2. Rajeev Kumar, S/o Ram Chandra Singh, R/o Village Sharukahi, P.O.-Kabilpur, P.S.-Kanti, District-Muzaffarpur.
 3. Mohan Chaudhary, S/o Ram Chandra Chaudhary, R/o Village Sarmasपुर, P.O.-Kalwari, P.S.-Kanti, District-Muzaffarpur.

.... Appellants

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, Bihar, Patna.
2. The Secretary, Public health Engineering Department, Bihar, Patna.
3. The Engineer in chief cum Public health Engineering Department, Bihar, Patna.
4. The Superintending Engineer, Public Health Engineering Department, Muzaffarpur.
5. The Executive Engineer, Public health Engineering Division, Muzaffarpur.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Manoj Kumar Manoj, Advocate.

For the Respondent/s : Mr. Amrendra Kumar, AC to AAG-15.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 15-12-2016

Re.: I.A. No. 541 of 2016

This application is for condonation of delay of 31 days
in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory
application, we are satisfied that the appellants have shown sufficient
cause to seek condonation of delay in filing the present Letters Patent
Appeal.

Consequently, Interlocutory Application is allowed and
delay in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 147 of 2016

The challenge in the present Letters Patent Appeal is to



an order passed by the learned Single Bench on 31.07.2015 whereby, the writ application filed by the appellants seeking regularization of their services for the reason that they have been regularly working on daily wages for more than two years remained unsuccessful.

The learned Single Bench has relied upon Full Bench Judgment of this Court in the case of Ram Sevak Yadav Vs. The State of Bihar, reported as 2013 (1) PLJR 964 to hold that the appellants are not entitled to regularization of services.

We have heard learned counsel for the parties and find no merit to interfere in the appeal. The appellants have worked only for two years on daily wages. For rendering such period, the appellants are not entitled to regularization of their services as laid down by this Court in Ram Sevak Yadav's case (supra).

We do not find any illegality in the order passed by the learned Single Bench which may warrant interference in the present intra-court appeal. Accordingly, the Letters Patent Appeal is dismissed.

It would be open to the appellants to apply for the regular appointment in terms of the advertisement as and when so issued.

(Hemant Gupta, ACJ)

(Arvind Srivastava, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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