

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.946 of 2014**

**In**

**Civil Writ Jurisdiction Case No. 4622 of 2014**

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Mithlesh Paswan S/o Late Ram Swaroop Paswan R/o Village - Marsua, P.S.  
- Makhdumpur, Dist. - Jehanabad. .... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar.
  2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
  3. The Director, Panchayati Raj Department, Govt. of Bihar, Patna.
  4. The District Magistrate-cum-Collector, Kaimur at Bhabhua.
  5. The Zila Parishad, Kaimur through its Chief Executive Officer.
  6. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Kaimur at Bhabhua. .... Respondent/s
- =====

**Appearance :**

For the Appellant/s : Mr. Uday Narayan Singh  
Mr. Rajesh Kumar, Advocates  
For the State : Mr. Rajkishore Roy, GP-18  
For Resp. Nos. 5 & 6 : Mr. Awadhesh Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA**

**and**

**HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)**

3      18-11-2016                      Heard learned counsel for the appellant and  
  
learned counsel for the State.

The appeal has been filed challenging the order dated 2.5.2014 passed by a learned Single Judge of this Court in CWJC No. 4622 of 2014 by which the writ application has been dismissed.

The only fact relevant to the case is that the petitioner was admittedly engaged on daily wages basis since 1999 as Road Roller Driver by the Deputy Development Commissioner-cum- Chief Executive Officer, Zila Parishad, Kaimur.



In view of the aforesaid facts, the learned Single Judge relying upon the decision cited on behalf of the petitioner, namely, the Secretary, State of Karnataka & Ors. Vs. Uma Devi (3) & Ors: (2006) 4 SCC 1 as also the Full Bench Decision of this Court in Ram Sevak Yadav Vs. the State of Bihar: 2013 (1) PLJR 964 held that no such regularization can be ordered of a daily wage, casual, ad hoc and temporary appointments. The said position is unassailable in view of the clear direction in Uma Devi's case that no such regularization can be ordered of such class of employees and it was only a one time measure with respect to such employees who had already completed 10 years service on the basis of irregular but not illegal appointment on the date of Uma Devi's judgment. Evidently, the petitioner could not have completed 10 years from 1999 till April, 2006 when Uma Devi's judgment was delivered. Thus the claim of regularization of the petitioner is without any basis.

The appeal is, accordingly, dismissed.

**(Ramesh Kumar Datta, J)**

S.Pandey/-

**(Rajendra Kumar Mishra, J)**

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