

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1556 of 2016
IN
Civil Writ Jurisdiction Case No. 19815 of 2011**

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1. Razi Akhtar Son of Late Safi Akhtar Resident of Mohalla- Milki (Dhobi Tola),
P.O.- Arrah, P.S.- Arrah Town, District- Bhojpur.

.... Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Kaarmik and Prasanik Sudhar Bibhag, Government of Bihar, Patna.
3. The District Magistrate, Bhojpur, District- Bhojpur, Ara.
4. The Treasury Officer, Bhojpur, District- Bhojpur, Ara.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Brij Mohan Kumar Singh, Advocate
For the Respondent/s : Mr. Sunil Kumar Mandal- SC-3
Mrs. Neelam Kumari, AC to SC-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-05-2017

Delay of 41 days in filing of the petition is condoned.

I.A. No.7057 of 2016 is allowed.

Petitioner was working as a daily wage employee and his services as a daily wage employee were terminated on 9.4.1991. He did not take any action, slept over the matter for 20 years and in the year 2011 filed the writ petition claiming benefit of



regularization and brought to the notice of the Court certain orders passed and a judgment rendered in the case of Jai Kishun Ram Vs. State of Bihar & Ors., reported in 2016(1) P.L.J.R. 516. The learned Writ Court considered the prayer and finding that the petitioner's services were terminated in the year 1991. In the writ petition he did not bother to mention as to when he was appointed, for what period he has worked and what he was doing after 1991. The learned Writ Court took note of the Circulars of the State Government issued in the year 1991, recorded a finding that in the light of these Circulars now no benefit can be granted to the petitioner.

Apart from the fact that the petitioner has committed the defaults and error, as is pointed out by the learned Writ Court, we find that now in the matter of regularization of the petitioner, whose services were terminated as far back as on 9.4.1991, no relief or direction for regularization can be granted in the light of the judgment of the Constitution Bench of the Hon'ble Supreme Court in the case of Secretary, State of Karnataka vs. Uma Devi, reported in 2006(4) SCC Page- 1.

Accordingly, in the matter of regularization of a daily wage employee, whose services were terminated in the year 1991,



in the given facts and circumstances of the case, we see no case made out for indulgence.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

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