

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2204 of 2016

In

Civil Writ Jurisdiction Case No. 7503 of 2014

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1. Suraj Prakash Son of Ram Nandan Mistri Resident of Village - Dhandhar Bigha, Police Station - Jehanabad, District - Jehanabad.
2. Subodh Kumar Vidyarthi Son of Ram Ayodhya Prasad Resident of Village - Gayaspur (Maner), Police Station - Maner, District - Patna.
3. Umesh Prasad @ Umesh Kumar Son of Sri Mahesh Prasad Resident of Village - Fingi, Police Station - Bihiya, District - Bhojpur Ara.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Govt. of Bihar, New Secretariat, Bailey Road, Patna.
2. The District Magistrate, Patna.
3. The Additional Collector (Establishment), Patna.
4. The Then Special Rationing Officer, Patna.
5. Uma Shankar Prasad Verma Son of Ram Chandra Mahto Resident of Village - Painathi, Police Station - Bihta, District - Patna, Bihar.
6. Shishir Kumar Vidyarthi Son of Sri Ram Lakhan Prasad Resident of Village - Painathi, Police Station - Bihta, District - Patna, Bihar.
7. Suday Kumar Son of Ram Narayan Singh Resident of Village - Painal, Police Station - Bihta, District - Patna, Bihar.
8. Mahesh Kumar Son of Parmanand Singh Resident of Village - Ranipur, Police Station - Phulwarisharif, District - Patna.
9. Sanju Kumari Daughter of Ganesh Prasad Resident of Village - Mahua Telpa, Police Station - Bikram, District - Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Rajesh Kumar
Mr. Anil Kumar Srivastava
For the Respondent/s : Mr. S.Raza Ahmad, AAG 5
Mr Md. Kamil Akhtar, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

4 18-01-2017 Heard counsel for the appellant. The delay of 1 year and 297 days is condoned. IA No.9399 of 2016 is allowed. The appeal is also taken up on the merits.

The appellants here, were the petitioners before the writ



Court, who moved the writ for a direction upon the respondent authorities to regularize their service in light of the government resolution dated 18.6.1993 and 16.3.2006.

The learned Single Judge has taken note of the fact that these appellants, if at all they were engaged as daily wage in the year 1988, were disengaged from service in the year 1997. No grievance was raised thereafter till writ application came to be filed.

The learned Single Judge has rightly rejected the prayer for regularization keeping in mind that for 18 long years appellants were not in the service and there was no correlation between service rendered by them earlier, their disengagement, till filing of the writ application. Facts of the case rightly led to dismissal of the writ application keeping in mind the decision of the Hon'ble Supreme Court in the case of ***Secretary, State of Karnataka & others Vs. Uma Devi (3) & others, (2006) 4 SCC 1.***

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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