

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1533 of 2014
IN
Civil Writ Jurisdiction Case No. 389 of 2009**

- =====
1. The State of Bihar
 2. The Deputy Director, Personnel and Administrative Reforms Department, Government of Bihar, Patna
 3. The Director, Science & Technology, Bihar, Patna
 4. The Principal Secretary, Science and Technology Department, Bihar, Patna
 5. The Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna
 6. The Secretary, Agriculture Department, Govt. of Bihar, Patna
 7. The Principal, Muzaffarpur Institute of Technology, Muzaffarpur

.... Appellant

Versus

1. Ashok Kumar Sharma, son of Sri Umakant Sharma, resident of Village Bishwaspur, P.O. Chairaiya, P.S. Amarpur, District- Banka
2. Prabhat Kumar, Son of Late Beni Madhav Prasad, resident of village- Rupwara, P.S. Bibhutipur, District- Samastipur

.... Respondents

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Appearance :

For the Appellants : Mr. Dinesh Maharaj, AC to AAG-11
For the Respondents : Mr. Rajendra Prasad Singh, Senior Advocate
Mr. Rajeev Kumar Singh, Advocate
Mr. Ravi Kumar Singh, Advocate

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

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 10-05-2017

Heard counsel for the State and counsel for the respondents.

The appeal has no merit because nobody can be made to work for 28 to 32 long years and when it came down to the issue of regularization, a question will be raised whether the Principal of Muzaffarpur Institute of Technology was a competent authority to



engage such persons or not.

The learned single Judge vide order dated 24.06.2011 passed in C.W.J.C. No. 389 of 2009 has rightly taken note of besides ***State of Karnataka and Others vs. Uma Devi***, reported in **(2006) 4 SCC 1**, ***State of Karnataka and Others vs. M.L.Kesari and Others***, reported in **(2010) 9 SCC 247**, also and given a direction for their regularization.

Such authorities could not be allowed to use and throw such persons, who spent their entire life in the service of the institute.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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