

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.303 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 6849 of 2008**

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1. Bhorik Yadav, Son of Late Kuber Yadav, resident of Village - Subash Nagar,
P.O. - Rampur, P.S. - Laukariya, District - West Champaran.
2. Sanjeev Kumar, Son of Late Paras Baitha, resident of Village - Narwal-Borwal,
P.S. - Bagaha, District - West Champaran.

.... Appellants

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Secretary, Department of Personnel and Administrative Reforms,
Government of Bihar, Patna.
3. The Divisional Forest Officer, Bettiah, West Champaran.
4. The District Magistrate, Bettiah, West Champaran.
5. Regional Officer, Forest Department, Madanpur, Bettiah.
6. Bihar State Forest Development Corporation, Patna, through Director.

.... Respondents

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Appearance :

For the Appellants : M/S. Bamdeo Pandey and Prithvi Nath
Mishra, Advocates.

For the Respondents : M/S. Nagendra Prasad Yadav and Rohit
Mishra, Advocates.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 20-01-2017

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Bench on 04.08.2015 whereby,
writ application filed by the appellants for regularization of their
services remained unsuccessful.

2. The appellants were engaged as daily wagers by the
Bihar State Forest Development Corporation. They have worked
from 1986 to 1996. The appellants claimed for regularization
keeping in view the decision of the State Government circulated on
16th March, 2006 for regularization of services. Such decision was



taken in the light of the decision of the Supreme Court in the case of Secretary, State of Karnataka Vs. Umadevi, (2006) 4 SCC 1.

3. The learned Single Bench dismissed the writ application, *inter alia*, on the ground that the appellants were disengaged in the year 1996, therefore, the decision of the State Government does not come to their rescue as it is applicable only to those persons, who were continuously working as daily wagers.

4. Before this Court, learned counsel for the appellants relies upon the order passed by this Court reported as 1989 PLJR 130, Anjani Kumar Sinha Vs. The State of Bihar, wherein a Single Bench of this Court has found that the State is bound to give effect to its own policy decision for regularization of the services of its employees.

5. We do not find that such order is helpful to the argument raised. After the said order, the Supreme Court in Umadevi's case (supra) has laid down the circumstances in which the services of daily wagers can be regularized. It was, *inter alia*, held that a person, who worked for more than 10 years, can be regularized provided his appointment is irregular and is not illegal.

6. Considering the judgment of Umadevi's case (supra), a Full Bench of this Court in the case of Ram Sevak Yadav Vs. The State of Bihar, 2013(1) PLJR 964 has held that the daily wagers are not entitled to be regularized if they do not fulfill the criteria as laid down in the said judgment.



7. The appellants are not working since the year 1996. The benefit of regularization can be given to those persons who are continuously working and not to the persons who were not working at the time of regularization. In view of the said fact, the appellants’ services could not be regularized.

8. Learned counsel for the appellants further raised an argument that the services of similarly situated employees have been regularized. If a person, who was appointed with the appellants but has continued to work will not rank on the same footing as services of the appellants came to be disengaged in the year 1996.

Still further, the appellants were disengaged in the year 1996, but they chose to file the writ application after 12 years later i.e., in the year 2008.

9. For the reasons recorded above, we do not find any merit in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

U.K./-Narendra

AFR/NAFR	NAFR
CAV DATE	N. A.
Uploading Date	25.01.2017.
Transmission Date	

