

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.814 of 2014
IN
Civil Writ Jurisdiction Case No. 23860 of 2012**

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Rup Kant Jha Son of Late Suchit Jha Resident of Village - Sugua Katsari, P.O.
Pardesia, P.S. and District - Sheohar

.... Appellant/s

Versus

1. The State of Bihar
2. The Secretary, Building Construction Department, Government of Bihar, Patna
3. The Chief Engineer (North), Building Construction Department,
Vishweshwaraiya Bhawan, Bailey Road, Patna
4. The Superintendent Engineer, Building Construction Circle, Saharsa
5. The Executive Engineer, Building Construction Division, Supaul

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharendra Kumar Jha, Advocate
For the Respondent/s : Mr. Anil Kr. Singh, GP-26

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-03-2017

Having heard learned counsel for the parties, we find that in refusing to issue a *mandamus* for considering the case of regularization of the petitioner after his retirement from service no error has been committed by the learned Writ Court warranting re-consideration. That apart, if the claim of the petitioner is to be evaluated in the backdrop of the principles laid down by the Constitution Bench of the Supreme Court in the case of Secretary, State of Karnataka vs. Uma Devi, (2006) 4 SCC-1, there is no material available on record to show that the petitioner's initial



appointment falls in the category of irregular appointment which can be regularized and, therefore, we see no case made out for indulgence into the matter.

In view of the above, we see no reason, particularly in the matter of regularization of an employee who has attained the age of superannuation and in whose case the contract appointment comes to an end after his superannuation. Accordingly, finding no error in the impugned order, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

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