

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.639 of 2015

In

Civil Writ Jurisdiction Case No. 7503 of 2014

- =====
1. Shishir Kumar Vidyarthi s/o Sri Ram Lakhan Prasad of village- Painathi, P.S.- Bihta, District- Patna.
 2. Suday Kumar s/o Ran Narayan Singh resident of village- Painal , P.S. Bihta, District- Patna.
 3. Mahesh Kumar s/o Permanand Singh resident of village- Ranipur, P.S. - Phulwarisharif, District- Patna.
 4. Sanju Kumari D/o Ganesh Prasad resident of village- Mahua Telpa, P.S. - Bikram , District- Patna.

.... Appellant/s

Versus

1. The State of Bihar through Secretary Food and Civil Supplies, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Deputy Collector (Establishment), Patna.
4. Subodh Kumar Vidyarthi s/o Ram Ayodhya Prasad of village - Gayaspur, P.O. - Ahiyapur (Maner) , P.S. - Maner, District- Patna.
5. Uma Shankar Prasad Verma s/o Ramchandra Mahto of village- Painathi, P.S.- Bihta, District- Patna.
6. Umesh Prasad @ Umesh Kumar son of Sri Mahesh Prasad , resident of village- Fingi, P.S. - Bihiya, District- Bhojpur, Ara.
7. Suraj Prakash , s/o Ram Nandan Mistri, resident of village- Dhandhar Bigha, P.S. - Jahanabad, District- Jahanabad.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr Rajesh Kumar
Mr. Anil Kumar Srivastava
For the Respondent/s : Mr. GP5- Rajiv Roy

=====

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

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

13 18-01-2017 Heard counsel for the appellant. The delay of 35 days is condoned. IA No.2751 of 2015 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)

sk

U			
---	--	--	--

