

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.924 of 2014
IN
Civil Writ Jurisdiction Case No. 8520 of 2009**

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Ashutosh Kumar, S/o Late Dasrath Choudhary, R/o Village- Gauripur, P.S.-
Bihpur, District- Bhagalpur Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, null Department of Human Resources Development, Government of Bihar, Patna
 2. The Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna
 3. Three Men Committee, Constituted in Pursuance of Order comprising of Secretary, Agriculture Department, Secretary, Department of Art, Culture and Youth Affairs and Additional Commissioner-cum-Secretary, Department of Secondary Education through Principal Secretary, Human Resources Development Department, Bihar, Patna
 4. The Director, Secondary Education, Government of Bihar, Patna
 5. The Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur
 6. The District Education Officer, Bhagalpur
 7. The Headmaster, High School, Gouripur, Latipur, P.O. Gauripur, District- Bhagalpur Respondent/s
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Appearance :

For the Appellant/s : Mr. Shivendra Kishore, Sr. Advocate
Mr. Jai Kishor Poddar
For the Respondent/s : Mr.

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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: 27-03-2017

Heard learned senior counsel for the appellant.

This appeal has been filed against the order and judgment, dated 20th of February, 2013, passed by the Learned Single Judge, who dismissed the writ application, refusing to interfere with the decision and order of the Three-Members Committee, which went into the issue of appointment and regularization of the appellant on a class-iv post in a school.



The Three Members Committee, besides the Learned Single Judge, had taken a detailed note of the manner in which the appellant came to be engaged or hired and the conditionality, which was there in such hiring. It was in this background that the Learned Single Judge concluded as under:

“As noted above, when the provision of Article 14 & 16 was not at all followed in the appointment of the petitioner and the appointment itself was made by an incompetent authority having been vested with no power of appointment, there could also be no question of regularization of service because such appointment in terms of the constitution bench judgment of Apex Court in the case of Uma Devi (supra) is an illegal appointment and not irregular appointment.”

Reading of the materials, the Three-Members Committee’s report and the decision rendered by the Learned Single Judge, this Court does not feel that any error has been committed by any of the authorities in refusing regularization of service of such an employee, whose appointment was stage-managed and in violation of Article 14 and 16 of the Constitution of India.

Appeal has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
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