

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10599 of 2008

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1. Ajit Kumar Singh, son of late Shyam Nandan Singh, resident of Village+ P.O. Balwakuari, P.S. Hajipur (Sadar), District Vaishali
 2. Kameshwar Singh, son of late Basudeo Singh, resident of Village Chakdolat, P.O. Madrna, P.S. and District Vaishali
 3. Binod Kumar Singh, son of Siyaram Singh, resident of Village Thikha (Mataiya), P.O. Madhopur Ram, P.S. and District Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Personnel and Administrative Reforms, Bihar, Patna.
3. The District Magistrate, Vaishali
4. The Deputy Collector, Establishment, Vaishali Collectorate, Patna
5. The Secretary, Department of Finance, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishnukant Dubey,
Mr. Arun Kumar Singh.
For the State : Mr. S.S.P. Yadav, SC-14

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-12-2017

Heard learned counsel for the petitioner and learned counsel for the State.

In the present case, petitioners are seeking relief for regularization of their services having been claimed that they have entered into service as daily wagers after crossing all hurdle for appointment.

It has been stated in the writ petition that before entering into service as daily wager the petitioners were enrolled in the employment exchange. The posts were advertised by the District



Administration, names were called for from the employment exchange for appointment of Class IV posts. All the petitioners have appeared in the interview held on different dates in pursuance of different advertisement and panel was prepared after due interview.

Petitioner no.1 was appointed in the year 1988 in the postal services and continued to work till 1994, thereafter he worked as peon on daily wages from 19.4.1994 to July, 2000, has been working in postal peon after July, 2000 and his position in the new panel is at sl. no.75.

Petitioner no.2 was appointed on daily wages in the year 1990 and continued to work as peon till 1992. Thereafter he worked in postal peon at district Nazarat section and has been working till date.

Petitioner no.3 was appointed as a candidate peon on daily wages basis in the year 1990, has been working on daily wage basis at Circuit House, Vaishali and his position in the present panel is at sl. no.32. But till date they have not been regularized.

Learned counsel for the petitioners has brought to the notice of this Court that in paragraph nos. 4 and 5 of the counter affidavit there is no denial rather affirmance of the statements made in the writ petition. He has further submitted that recently



fresh interview was conducted on 5.7.2017, there the petitioners have appeared and as such this Court gives direction for regularization of their services in terms of judgment of the Hon'ble Supreme Court in the case of Secretary, State of Karnataka and others v. Uma Devi (3) and others, reported in (2006) 4 SCC 1.

Learned counsel for the State has not denied the statement made in the writ petition/counter affidavit which reflects that entry of the petitioners was made in a proper manner and they have continued to work.

In paragraph 53 of the judgment in the case of Uma Devi (supra) it has been stated that such type of entry will not be treated to be illegal but it will be treated to be regular entry. If proper procedure has been followed at the time of entry then it cannot be said that there was illegality in the appointment of the candidate, inasmuch as learned counsel for the petitioner submits that recently the interview has been done. It is expected that selection committee will take into consideration the case of the petitioners and he will give the benefit in terms of paragraph 53 of the judgment in the case of Uma Devi (Supra). Entire process should be completed within a period of three months from the date of receipt/production of a copy of this order.



With the aforesaid observation and direction this writ
petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	5.1.2018
Transmission Date	NA

