

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16075 of 2008

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Nirmal Kumar Dubey, son of Late Kashi Nath Dubey, Resident of Village-Salempur, P.S.-Muffasil Arrah, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary, Personnel and Administrative Reforms Department, Govt. of Bihar, Patna.
3. The Secretary, Forest Department, Govt. of Bihar, Patna.
4. Under Secretary, Personnel & Administrative Reforms Department, Govt. of Bihar, Patna.
5. The Principal Chief Conservator of Forest, Govt. of Bihar, Patna.
6. The Conservator of Forest, Gaya.
7. The District Forest Officer, Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. P.N.PATHAK, Adv.

For the Respondent/s : Mr. Md. Obaidullah, A.C. to S.C.-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-11-2017

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

In this case, the petitioner is seeking the relief of regularization of service.

Admittedly, the petitioner was engaged as daily wager. It has been submitted by the learned counsel for the petitioner that the petitioner has been reinstated and is working as daily wager. But, learned counsel for the State has submitted that that he has no knowledge about the factual aspect of having been allowed to work as daily wager.



The petitioner was working as daily wager from 19.11.1983 to 30.06.2004, but thereafter the services of the petitioner was disconnected.

Learned counsel for the petitioner has drawn the attention of this Court to Annexure-12 and submitted that juniors to the petitioner have been regularized in service, but the petitioner has been left out. In the supplementary rejoinder, it has been stated by the petitioner that Jagdish Manjhi, Saryug Prasad, Yogendra Mishra and Mahavir Sah, who are junior to the petitioner have been regularized.

Whereas, learned counsel for the State has submitted that Annexure-12 is the Eligibility List not the merit list. In fact, Annexure-B is the merit list, where the name of the petitioner stands at Serial No.62 and as such, by way of one time regularization in view of the judgment of the Hon'ble Supreme Court in the case of *State of Karnataka vs. Uma Devi and Ors.* reported in **2006(4) S.C.C.-1** only seven persons have been accommodated against seven vacant posts.

It is a fact that the petitioner has not challenged Annexure-B, claiming that this merit list is not correct whereas, the State has challenged Annexure-12, claiming it is the Eligibility List and submitted that Annexure-B is the merit list, in which the name



of the petitioner is appearing at Serial No.62. In such view of the matter, it cannot be said that juniors to the petitioner has been regularized in service. Whenever further regularization will be done, the respondent authority will consider the claim of the petitioner for regularization in accordance with law.

Accordingly, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	09.11.2017
Transmission Date	N/A.

