

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1933 of 2015

In

Civil Writ Jurisdiction Case No.14753 of 2007

=====

Zafir Ahmad son of Zafar Ahmad, Resident of Mohalla- Darzitola, Chandwara, P.S.- Thana Twon and District- Muzaffarpur, Bihar, at present working as Computer Operator, Sahid Khudi Ram Bose Central Jail, Muzaffarpur and District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. The Inspector General of Prison, Bihar, Old Secretariate Building, Patna
3. The Superintendent, Shahid Khudi Ram Bose Central Jail, Muzaffarpur, P.O. Muzaffarpur, District- Muzaffarpur
4. The Superintendent, Central Jail, Buxar, at and P.O. Buxar and District- Buxar
5. The Director (Administration) Home (Prison) Department, Old Secretariat, Building, Patna

... .. Respondent/s

=====

Appearance :

For the Appellant : Mr. Mohammed Abu Haidar, Advocate
Mr. Md. Abu Shajar, Advocate
For the Respondent State: Mr. Anshuman Singh, AC to AG

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 18-09-2017

Heard counsel for the appellant and counsel for the State.

Since the engagement of the appellant is not within the parameters, which has been envisaged and laid down by the Constitution Bench decision of the Hon'ble Apex Court in the case of Secretary *State of Karnataka Vs. Uma Devi (3)* reported in 2006(6) SCC 1, the dismissal of the writ application for a direction for regularization under the respondent State authorities by the



learned single Judge cannot be said to be erroneous. It is evident from record that no proper procedure at all was followed in engaging the appellant and even otherwise the engagement was for a limited purpose for which due remuneration has been extended to the appellant by the respondent State authorities. However, if the respondents do have a need for such post, it is obligatory upon them to advertise the post on a regular basis and then take steps for filling it up in which the appellant may also, if found eligible, be considered, but the manner in which he entered the service, there cannot be a direction for his regularization.

The learned single Judge, therefore, has committed no error by dismissing the writ application or such prayer.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.09.2017
Transmission Date	N.A.

