

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.830 of 2016

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Uday Sharma S/o Sri Subam Sharma resident of village - Shashtri Nagar,
P.S. & District - Jehanabad

.... Appellant/s

Versus

1. The State of Bihar
2. The Chief Secretary, Bihar Office at New Secretariat Bailey Road,
Patna
3. The Commissioner & Secretary, Govt. of Bihar Rural Development
Department, Main Secretariat, Patna
4. The District Magistrate, Jehanabad, Distt. - Jehanabad
5. The Deputy Development Commissioner Jehanabad Distt. - Jehanabad
6. The Administration Officer, D.R.D.A., Jehanabad Distt. Jehanabad

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Uday Narayan Singh, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 28-06-2017 Having heard learned counsels for the parties, the

delay in filing the appeal is condoned.

I.A. No.4040/2016 stands disposed of.

Heard learned counsels for the parties on the question

of admission.

The appellant was appointed as daily wage Computer

Operator in February, 1995. However, when he was not

regularized and regular appointment was not given, he filed the

writ petition seeking regularization and by the impugned order the



learned writ Court has dismissed the writ petition holding that a daily wage employee cannot be regularized as there is no specific provision for regularization.

Having heard learned counsels for the parties, we are of the considered view that in doing so the learned writ Court has committed grave error and completely lost sight of the law laid down by a Constitution Bench of the Apex Court in the case of **Secretary, the State of Karnataka Vs. Uma Devi: (2006) 4 SCC 1**. The Supreme Court in that case has discussed the law pertaining to regularization of daily wage employee and as one time measure, it has been indicated that all such daily wager, who had remained in service for ten years should be considered for regularization pursuant to a scheme to be framed by the State Government and certain directions in this regard have been issued.

That being so, at least the benefit of consideration of appellant's name for regularization in accordance with the scheme formulated by the State Government in view of the law laid down in the case of **Uma Devi** (Supra), has to be granted to the appellant and in outrightly rejecting the writ petition, the learned writ court has committed grave error.

That being so the respondents are directed to consider the case of the petitioner in accordance with law laid down by the



Hon'ble Supreme Court in the case of **Uma Devi** (supra) by an Expert Committee constituted in accordance with the scheme formulated by the Government and after consideration take a decision as to whether the appellant is entitled to regularization or not and decide it in accordance with law by a speaking order within a period of six months from the date of receipt/production of certified copy of this order, if not already considered.

With the aforesaid, the appeal stands allowed and disposed of.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

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