

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1428 of 2013
IN
Civil Writ Jurisdiction Case No. 3336 of 2013

- =====
1. Kumar Shishupal, son of Late Ramashish Singh, resident of Village and P.O. Dhalwan, P.S. Ram Krishna Nagar, Via- Lohianagar, District- Patna
 2. Upendra Kumar Verma, Son of Late Basant Mahto, resident of Shahpur, P.O. Daudpur, P.S. Shahpur, District- Patna
 3. Kumar Yashupal, son of Late Ramashish Singh 'Bharti', resident of Village and P.O. Dhalwan, P.S. Ram Krishna Nagar, Via- Lohianagar, District- Patna

.... Appellant/s

Versus

1. The State Of Bihar through the Secretary-Cum-Commissioner, Personnel and Administrative Reforms Department, Government of Bihar, Old Secretariat, Patna
2. The Bihar Public Service Commission, through the Secretary, 15, Jawahar Lal Nehru Marg, Bailey Road, Patna
3. The Chairman, Bihar Public Service Commission, 15, Jawahar Lal Nehru Marg, Bailey Road, Patna

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Gautam Bose, Sr. Advocate Mr. Ajay Kumar, Advocate Mr. Rohit Mishra, Advocate
For the State	:	Mr. Kinkar Kumar, SC-9 Mr. Yogesh Kumar, AC to SC-9
For BPSC	:	Mr. Ashok Kumar Singh, Sr. Advocate Mr. Sanjay Pandey, Advocate

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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: 07-03-2017

Heard learned Senior counsel for the appellant,
learned Senior counsel for BPSC and learned counsel for the State.

The dismissal of the writ application by the learned
Single Judge vide his order dated 04.03.2013, refusing to pass a
direction for regularization, is the reason for moving the appellate
forum in the Letters Patent Appeal.

Submission of learned Senior counsel is that the BPSC



is not even honouring the previous observation and direction issued by a learned Single Judge in CWJC No. 16921 of 2009, which was passed on 22.12.2009 and is Annexure-1 to the writ application. This aspect should have been taken note of by the learned Single Judge while dismissing the writ application.

Such issue has already been dealt with even earlier in some other writ applications, refusal by learned Single Judge to pass any kind of order in their favour resulted in the matter travelling in appeal and a Division Bench had this to say in para-4 of the case of Lakhan Lal Prasad and another Vs. The State of Bihar & Ors, reported in 2016 (4) PLJR 517.

“4. The appellants were engaged as per their own showing as Data Entry Operator on casual basis. Since the appointment was on casual basis it will not confer any right to them to object to the empanelment of other persons required by the Commission to carry out the work load. The appellants have no right for regularization or for re-engagement in view of the Full Bench judgment of this Court in the case of Ram Sevak Yadav Vs. State of Bihar [2013(1) PLJR 964] as admittedly they are not having been engaged after the year 2005.”

In view of the above and the claim of these appellants being identical arising from the same set of facts and background, no interference is warranted with the order passed by the learned



Single Judge. Nobody can be ordered to be dumped on the system when they admittedly got disengaged in the year 2005-06.

The appeal is dismissed.

(Ajay Kumar Tripathi, J)

S.Pandey/-

(Nilu Agrawal, J)

AFR/NAFR	AFR
CAV DATE	NA
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