

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1324 of 2013
IN
Civil Writ Jurisdiction Case No. 12521 of 2011**

- =====
1. The State Of Bihar
 2. The Principal Secretary, Rural Development Department, Govt. Of Bihar, Patna
 3. The Chief Engineer, Rural Engineering Organization, Bihar, Patna
 4. The Superintending Engineer, Rural Engineering Organization, Work Circle, Muzaffarpur
 5. The Executive Engineer, Rural Engineering Organization, Work Circle, Muzaffarpur

.... Appellants

Versus

1. Pawan Kumar Mishra Son Of Sri Ram Chandra Mishra Resident Of Village And P.O. Bhuskaul, P.S. Darbhanga, District - Darbhanga
2. Vijay Shankar Sharma Son Of Sri Ganga Sharma Resident Of Village - Ahladpur, P.S. Kanti, District - Muzaffarpur
3. Devta Nandan Rai Son Of Sri Bhagwati Charan Rai Resident Of Village And P.O. Bharthua, P.S. Aurai, District - Muzaffarpur
4. Chulhai Mian Son Of Hakim Mian Resident Of Village And P.O. Dighra, P.S. Muzaffarpur Sadar, District - Muzaffarpur

.... Respondents

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Appearance :

For the Appellants : Mr. Subhash Chandra Mishra, SC-16
Mr. Samir Kumar, AC to SC-16
For the Respondent/s : Mr.

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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: 15-02-2017

I.A. No. 7572 of 2013 which is for condonation of delay
of 280 days is allowed in the larger interest of justice. Matter is taken
up on the merits.

Heard counsel for the State.

The submission of the counsel that the impugned order
dated 08.10.2012 is required to be interfered with because the cut off



date for engaging daily wagers was fixed by the State as 21.10.1984 and, therefore, any engagement made by any authority thereafter will not entitle such a beneficiary to demand regularization is misplaced.

There is a basic fallacy in the submission of the counsel for the State for the reason that the State Government itself had decided to extend that cut off date twice over and the last extended date in this regard was 11.12.1990. Therefore, that cannot be a ground for setting aside the order of the learned single Judge giving a direction upon the respondents to regularize them since they have worked long enough in the work charged establishment and they are appointees of pre 11.12.1990.

No interference is warranted with the impugned order.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
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