

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1845 of 2016

Shyam Kumar Verma

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. Vivek Prasad- Gp18

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 07-05-2018 Heard the learned counsel for the petitioner and
learned counsel for the State.

Petitioner has filed the present application for a direction to the respondents to regularize the service of the petitioner. The Apex Court has already held out in the case of **Secretary, State of Karnataka and Ors. vs. Uma Devi and Ors. SCC(I) 2006** that regularization is not a mode of appointment. In the present case petitioner claims that he was appointed in anticipation of sanctioned post. He placed reliance on a Division Bench Judgment reported in (2016)1 PLJR the said decision was rendered in the peculiar facts of the case and is not application in the present case. Firstly that judgment cannot be relied upon as the same judgment was passed in complete ignorance of the constitution Bench judgment in Uma Devi case, which is binding on the High Court in the matter of



regularization. Secondly the decision was rendered by the High Court in the context of work charged establishment which has no application in the matter of appointment in the school.

There is different concept and norms and rules governing appointment in the work charge establishment and the school.

Considering the totality facts situation, the court does not find any merit in the contention of the petitioner.

Accordingly, the writ petition stands dismissed.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

