

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5459 of 2017

Surendra Prasad Singh & Ors

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarendra Narayan
For the Respondent/s : Mr. Vinay Kirti Singh- Ga2

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 22-11-2018 Heard learned counsel for the State.

In this case the petitioners are seeking relief which has been rejected vide Annexures-1, 2 and 3. The reasons are given that the petitioners do not fulfill the required parameters of regularization under Resolution No. 639 dated 16.03.2006 as well as the guidelines which have been laid down by the Hon'ble Supreme Court, in the case of State of Karnataka Vs. Uma Devi, reported in 2006(4) SCC 1.

Learned counsel for the State submitted that the case of the petitioner was considered earlier in the year 2011 and his claim was rejected vide Letter No.3794 dated 28.11.2011 and as such there is no need to reconsider the case of the petitioner for regularization.

From perusal of Memo No.1218 dated 16.04.2012 it appears that the claim of the petitioner has been considered in



the light of Uma Devi case and recorded the finding that they do not come within the parameter of Paragraph-53 of the said Judgment. On that account the authority has refused to grant relief to the petitioner for regularization. Further it appears even after the decision, the petitioner continued to discharge his duty, ultimately refusal of his regularization has been communicated by the aforesaid impugned orders, wherein the authority has considered the Judgment of Uma Devi case and recorded that they do not fall within the guideline of Uma Devi refused to grant relief. The order impugned does not disclose the case of the petitioner has been considered in the light of circular of 2006 .

In such view of the matter, the order as contained in Annexures-1, 2 and 3 are quashed and the matter is remitted back to the concerned authority for afresh consideration.

Accordingly, this writ petition stands disposed of.

(Shivaji Pandey, J.)

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