

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.25570 of 2013**

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Arun Kumar Singh Son Of Sri Ramji Singh Resident Of Mohalla - Maula  
Bagh, P.O. Ara Near Gayatri Temple, P.S. Nawada Ara, Dist - Bhojpur  
... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Human Resource Department,  
Govt. Of Bihar, Patna
  2. The Vice Chancellor, Veer Kunwar Singh University, Ara, Bhojpur
  3. The Registrar, Veer Kunwar Singh University, Ara, Bhojpur
  4. The Principal, Maharaja College Ara, Bhojpur..... .. Respondent/s
- =====

**Appearance :**

For the Petitioner/s : Mr. Rajendra Nath Sinha, Advocate  
For the Respondent/s : Mr. Vishwambhar Prasad, Advocate  
For the University : Mr. Rajesh Pd.Choudhary, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

4     20-11-2018                      Heard learned counsel appearing on behalf of the  
  
petitioners and counsel appearing on behalf of the State as well  
  
as University.

Petitioner claims that he was appointed against the  
post available under the Staffing pattern prior to 10.5.1986 and  
in view of the judgment reported in the case Braj Kishore Singh  
reported in 1997 (1) PLJR 509, petitioner's case deserve for  
consideration for regularization.

Learned counsel for the petitioner submits that the  
petitioner has completed three decades as continuous service  
and as such his case deserves for consideration for



regularization.

It is true that regularization is no more mode of appointment after judgment of the Constitution Bench in Secretary State of Karnataka Vs. Uma Devi reported in 2006 (4) SCC 1, but in the said judgment an exception have been carved out for those who were regularly working for more than 10 years. In the instant case it appears from pleadings that the petitioner has been regularly working for more than three decades and as such the case of the petitioner requires sympathetic consideration. Similar view also taken by the Apex Court in the case of Amarkant Rai reported in (2015) 8 SC (265).

In view of the judgment of the Full Bench in case of Braj Kishore Singh reported in 1997 (1) PLJR 509 and the judgment of the Apex Court in Uma Devi's case which was reiterated in the case of M.L. Keshari reported in 2010 (9) SC 247 and Amarkant Rai (Supra), the writ petition is disposed of with direction to the respondents to consider the case of the petitioner sympathetically and take final decision with regard to the regular appointment of the petitioner at the earliest preferably within a period of four months from the date of receipt/ production of a copy of this order.



With the aforesaid the writ petition stands disposed of.

T.Kr./-

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(Anil Kumar Upadhyay, J)

