

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19792 of 2019

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Sunita Devi, wife of Shankar Kumar Lal Das @ Shankar Kumar Das, resident of Village- Jhanjharpur Market, Langara Chak, Police Station- Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The I.G. Prison, Patna.
4. The Superintendent of Central Kara, Muzaffarpur.
5. The District Magistrate, Madhubani.
6. The Superintendent of Up-kara, Jhanjharpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Advocate
For the Respondent/s : Mr.Md. N. H. Khan (SC-1)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-11-2019 Heard learned counsel for the parties.

2. The present writ application has been filed seeking quashing of an order dated 26.12.2018, passed by the I.G. (Prison), Government of Bihar whereby petitioner's application for her regularisation against permanent post of Lady Constable has been rejected.

3. It appears that the petitioner had filed a representation in the light of an observation made by this Court in the order dated 09.05.2018, passed in CWJC No. 20813 of 2014, which has been rejected by the impugned order. It is the petitioner's case that she is working on daily wage basis since



29.12.1998.

4. It is noteworthy that the petitioner had earlier approached this Court by filing CWJC No. 14916 of 2005, claiming regularisation on the basis of her appointment on daily wage basis, which was disposed of by an order dated 24.07.2008. The Court had noticed that there was no merit in the claim, inasmuch as, on her own showing, her initial induction as daily wage itself was contrary to law and in violation of Article 14 of the Constitution. The Court had further held that in any event, a daily wager holds no post as to claim regularisation. However, considering the petitioner's claim of victimisation on the ground that after filing of the writ application, the respondents had deprived of their status of daily wager also, the Court had directed restoration of petitioner's status as a daily wager. An appeal was, thereafter, preferred under the Letters Patent of this Court by the State of Bihar giving rise to LPA No. 1026 of 2008. A Division Bench of this Court, noticing the fact that pursuant to order of this Court dated 24.07.2008, passed in CWJC No. 14916 of 2005, the petitioner was granted permission to work on daily wage basis, observed that she shall be allowed to work as such but shall stand relieved as soon as a permanent Lady Warder/ Lady Home Guard is posted/ deputed



against the post concerned.

5. It appears that the order of this Court dated 24.07.2008 has not been noticed in this Court's order dated 09.05.2018, passed in CWJC No. 20813 of 2014.

6. Unqualified categorical finding by this Court in the order dated 24.07.2008 in the writ petition filed by the petitioner being CWJC No. 14916 of 2005 to the effect that the petitioner's initial engagement itself on daily wage basis was contrary to law and in violation of Article 14 of the Constitution of India has not been disturbed by the Division Bench.

7. In such view of the matter, the petitioner cannot claim regularisation on the basis of her engagement which has been held to be illegal by this Court. The Court is not aware as to whether any permanent Lady Warder/ Lady Home Guard has been posted/ deputed on the post concerned or not. The respondents are directed to ensure that a permanent Lady Warder/ Lady Home Guard is posted/ deputed on the post concerned within a period of three months from today.

8. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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