

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21265 of 2019

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Binay Singh Son of Bijay Kumar Singh @ Bijay Singh Resident of Village-
Lakhanpar, P.S.- Punpun, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Human Resource Development, Department of School Education and Literacy, New Delhi.
2. The Commissioner, Navodaya Vidyalaya Samiti, Head Quarter, Institutional Area, Sector-62, Noida, Uttar Pradesh.
3. The Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Karpuri Thakur Sadan, Ashiana Digha Road, Patna.
4. The Principal, Jawahar Navodaya Vidyalaya, Bonga, District- Hazaribag, Jharkhand.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siddharth Harsh
For the Respondent/s	:	Mr. S.D. Sanjay (AD SG)
For the UOI	:	Mr. Arvind Kumar Tiwary, C.G.C.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-10-2019

Heard learned counsel for the parties.

The petitioner claims regularization in service as a

Sweeper in Jawahar Navodaya Vidyalaya.

Learned counsel for the respondents contends

that this post is to be filled up by direct recruitment and in

the absence of any provision for regularization, the



petitioner who had worked on daily wage basis cannot seek any such benefit as no right accrues in his favour.

The aforesaid contention need not detain us any longer in view of the Constitution Bench decision laid down in ***Secretary State of Karnataka Vs. Uma Devi reported in (2006) 4 SCC Page 1.***

Apart from this, the question of appointment by way of regularization could be considered, had there been any particular rule. In the absence of any such provision, the aforesaid plea cannot be considered by us to enforce it through a writ petition.

Learned counsel for the petitioner states that some employees have been extended the benefit of regularization and the attention of this Court has been invited to Annexure-4 series of the writ petition.

The question of seeking parity would arise only if any such regularization has been made under rules or in accordance with any scheme adopted by the institution. It will be open to the petitioner to represent his cause before



the competent authority along with the information received under the Right to Information Act for its consideration and the disposal of this writ petition shall not be any impediment for any such consideration.

The writ petition is accordingly disposed off with the aforesaid observations.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

krishna/SKM

AFR/NAFR	
CAV DATE	
Uploading Date	23.10.2019
Transmission Date	

