

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13584 of 2017

1. Ramadhar Singh, Son of Kunwar Singh
2. Gajendra Kumar, Son of Shankar Prasad
Both Employed in Sri Ram Sewak Singh, Mahila College Sitarmhi, P.O.
P.S.-Dumra, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Commissioner, Education Department Secretary, Patna.
3. The Director, Higher Education, Education Department, Government of
Bihar at Patna.
4. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University at
Muzaffapur
5. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University at
Muzaffarpur.
6. The Principal, Sri Ram Sewak Singh Mahila College, Sitarmhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Respondent/s : Smt. Shilpa Singh-Ga12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioners and the
respondents.

The petitioners were denied the benefit of regularization on the ground that they failed to provide complete information in terms of letter no. 1820 dated 17.11.1998. The letter prescribed guideline for taking appropriate decision in the light of the judgment of the Full Bench in the case of **Braj Kishore Singh and Ors. vs State of Bihar and Ors**, reported



in **1997 (1) P.L.J.R. 509.**

In the counter affidavit, in addition to the aforesaid, the respondents have also taken the plea of judgment of the Full Bench in the case of **Ram Sevak Yadav Vs. The State of Bihar & Ors.**, reported in **2013(1) PLJR 964** and the judgment of the Apex Court in the case of **Secretary State of Karnataka & Ors Vs. Uma Devi & Ors**, reported in **(2006) 4 SCC 1** and in the case of **State of Karnataka v. M.L. Kesari**, reported in **(2010) 9 SCC 247.**

When the respondents themselves have formulated the scheme for regularization at the touch stone of the standard in letter no. 1820 dated 17.11.1998, they are not justified in now taking a plea that the petitioners are not entitled to consideration for regularization.

So long, letter no. 1820 dated 17.11.1998 is in existence, the respondents are under moral and legal obligation to act upon the said letter, which was formulated by the State Government pursuant to the judgment of the Full Bench of this Court in **Braj Kishore Singh** (supra). In addition to the aforesaid, the Apex Court has occasion to consider the issue of regularization subsequent to the judgment of the Full Bench in **Ram Sevak Yadav** (supra), which is highlighted in the present



case by the respondents. In **Amarkant Rai vs State of Bihar & Ors**, reported in **(2015) 8 SCC 265**, the Apex Court has held out that regularization is permissible, if individual is working for considerable long time.

In view of the above, the writ petition is disposed of with a direction to the respondents to take fresh decision with regard to the petitioners in the light of letter no. 1820 dated 17.11.1998 and the judgment of the Apex Court in **Amarkant Rai** (supra) within a maximum period of 60 days from the date of receipt/production of a copy of this order.

It is well advised that the petitioners shall enclose all the relevant documents along with the representation for appropriate decision by the respondents.

(Anil Kumar Upadhyay, J)

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