

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5392 of 2011

ANIL KUMAR SINHA, S/O Late Ramdeo Prasad, Resident Of Village-
Gewalbigha Durga Asthan, P.S- Civil Lines District Gaya Presently Resident
Of Mohalla Gulabbag, P.S- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Director Cum Additional Secretary Finance Department Treasury
Directoriate Bihar, Patna.
3. The District Magistrate Cum Collector Gaya.
4. The Additional Collector (General) Gaya.
5. Deputy Collector (Establishment) Gaya.
6. Treasury Officer, Gaya.
7. The Accountant, Gaya Treasury Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajendra Kumar Jain, Adv.
For the Respondent/s : Mr.Rajeev Kr. Singh, GP-15

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date : 20-02-2020

It is the petitioner's case that he was working as the Helper to the Assistant Accountant for accomplishing the work of accounts in the Government Treasury, Gaya since 1990. In a list prepared of candidates working on daily wage basis, the petitioner's name finds place. It is his further case that because of his long continuance, his service deserves to be regularised.

2. He had earlier approached this Court by filing a writ application giving rise to CWJC No. 2360 of 2008, which was disposed of by order dated 15.01.2009 with a direction to the respondents to decide the petitioner's representation in accordance with law at their own wisdom without being influenced by this Court's order.



3. In the light of the said order dated 15.01.2009, passed in CWJC No. 2360 of 2008, an order has been passed by the District Magistrate, Gaya dated 29.06.2010 rejecting the petitioner's claim. The District Magistrate has recorded in his order that the petitioner was not able to produce any evidence in support of his claim of having worked in the treasury and having received any payment as daily wage employee. The said order dated 29.06.2010 is being assailed in the present writ application.

4. I have carefully perused the pleadings in the writ application and averments made in I.A. No. 7928 of 2018. The petitioner's claim has been rejected, as is evident from the impugned order, on the ground of complete lack of evidence.

5. In any view of the matter, it is not the petitioner's case that his initial engagement, as daily wage employee, was made after following any procedure in conformity with Articles 14 and 16 of the Constitution of India. There is nothing to show that he was appointed after public notice or advertisement and following any process of selection by giving others also an opportunity to participate in the said process.

6. The impugned order, in the facts and circumstances, does not require any interference by this Court. I, at this juncture, must refer to a recent decision of Supreme Court dated



17.10.2019, rendered in Civil Appeal No. 7879 of 2019 (The State of Bihar & Ors. vs. Devendra Sharma & Ors.), paragraph 44 of which reads thus :-

*“44. In view of the aforesaid judgments, it cannot be said that the appointment of the employees in the present set of appeals were irregular appointments. Such appointments are illegal appointment in terms of the ratio of Supreme Court judgment in **Uma Devi**. As such appointments were made without any sanctioned post, without any advertisement giving opportunity to all eligible candidates to apply and seek public employment and without any method of recruitment. Such appointments were backdoor entries, an act of nepotism and favouritism and thus from any judicial standards cannot be said to be irregular appointments but are illegal appointments in wholly arbitrary process.”(underlined for emphasis)*

7. This application is devoid of merit, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.02.2020
Transmission Date	NA

