

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.772 of 2020

Subodh Thakur Son of Late Ganesh Thakur Resident of Village- Bhawanpura,
P.S.- Kharik Bajar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Personnel and Administration Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Purnea.
3. The Collector, Purnea.
4. The Deputy Collector Establishment, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Avinash, Advocate
For the Respondent/s : Mr. Dhuvendra Kumar, A.C. to G.P. 5

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-02-2020 Heard learned counsel for the parties.

2. The petitioner is aggrieved by an order dated 12.10.2019 whereby his claim for regularization has been turned down. The petitioner claims that he had been working on daily wage basis in the Collectorate of Purnea.

3. In view of a recent decision of Supreme Court dated 17.10.2019 in Civil Appeal No. 7879 of 2019 (*The State of Bihar & Ors. Vs. Devendra Sharma*), the petitioner's claim is not sustainable in view of the admitted fact that the petitioner's initial engagement on daily wage basis, as is being claimed, was not after adopting any fair procedure in conformity with Article 14 of the Constitution of India.



4. Paragraph-44 of the Supreme Court's decision in case of ***The State of Bihar & Ors. Vs. Devendra Sharma***, 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 favoritism and thus from any judicial standards cannot be said to be irregular appointments but are illegal appointments in wholly arbitrary process”.*

5. In such view of the matter, this application has not merit and, is, accordingly dismissed.

(Chakradhari Sharan Singh, J)

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