

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2102 of 2022

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1. Dhirendra Thakur, Son of Devadatt Thakur, Resident of Village - Navtolia, Ward No. 02, P.O. - Madhepura, P.S. - Madhepura, District - Madhepura, Pin - 852113.
 2. Bouku Mallik @ Vauku Malik, Son of Late Phani Malik, Resident of Village - Bharahi, Ward No. 04, P.O. - Bharahi, P.S. - Madhepura, District - Madhepura, Pin - 852113.

... .. Petitioner/s

Versus

1. The State of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Secretary, Higher Education Department, Government of Bihar, Patna.
4. The Director, Higher Education, Bihar, Patna.
5. The Vice Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura.
6. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.
7. The Finance Officer, B.N. Mandal University, Laloo Nagar, Madhepura.
8. The Principal, T.P. College, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Adv.
For the Respondent/s : Mr. Subhash Chandra Mishra (Sc 16)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 10-03-2022 Heard the parties.

The case is being taken up from defect side.

Learned counsel for the petitioners is directed to submit the original petition along with attested affidavits and also remove all the defects pointed out by the Registry within two weeks from today.

It is informed that the University is also



sent the name of the petitioners to the State for regularisation, whereafter the State has remitted it back to the University for consideration at its own level.

Learned counsel for the petitioners submits that the petitioners have been working since 1993-99 and have completed more than 20 years of service and are thus eligible for consideration for regularisation, in view of the Judgment passed by the Hon'ble Supreme Court in **(2006) 4 SCC (Secretary, State of Karnataka & Ors. Vrs. Uma Devi & Ors.)** which is as under:-

“53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa, R.N. Nanjundappa and B.N. Nagarajan and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on



merits in the light of the principles settled by this Court in the cases aboveresferred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme.

54. It is also clarified that those decisions which run counter to the principle settled in this decision, or in which directions running counter to what we have held herein, will stand denuded of their status as precedents.”



The State University is directed to take steps for consideration of the case of the petitioners for regularisation. The examination shall be completed within a period of eight weeks henceforth.

The writ petition stands disposed of.

(Sanjeev Prakash Sharma, J)

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