

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.41 of 2020

In
Civil Writ Jurisdiction Case No.19792 of 2019

=====

Sunita Devi Wife of Shankar Kumar Lal Das @ Shankar Kumar Das, resident of Village- Jhanjharpur Market, Langara Chak, P.S.- Jhanjharpur, District-Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna
3. The I.G. Prison, Patna.
4. The Superintendent of Central Kara, MuzaffarPur.
5. The District Magistrate, Madhubani.
6. The Superintendent of Up-Kara, Jhanjharpur.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Md. Harun Quareshi, Adv.
For the State : Dr. Mankeshwar Tiwari, AC to AAG3

=====

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

Date : 20-02-2023

Ref.: I.A. No. 02 of 2020

The present interlocutory application has been filed for condonation of delay of 32 days in preferring the present Letters Patent Appeal.

For the reasons stated in this application, the prayer is allowed and the delay in preferring the appeal is hereby condoned.



The I.A. No. 02 of 2020 stands allowed.

Ref.: LPA No. 41 of 2020

Heard Md. Harun Quareshi, learned advocate for the appellant and Dr. Mankeshwar Tiwari for the State.

The appellant seeks regularization of her services as Lady Constable, which prayer has been rejected by the Inspector General of Prisons, Government of Bihar and the order has been affirmed by the learned Single Judge vide his order dated 08.11.2019 passed in CWJC No. 19792 of 2019.

The appellant had come up before this Court earlier vide CWJC No. 20813 of 2014 wherein a Single Bench of this Court vide order dated 09.05.2018, relying upon a decision of this Court in ***Md. Jawed Hussain & Ors. Vs. The State of Bihar through Principal Secretary, Home Department & Ors., 2017 (4) PLJR 858*** permitted the appellant to approach the Inspector General (Prison), Patna for considering her claim for regularization.



When such a claim was made by the appellant, she was relieved from her engagement. The appellant had preferred appeal against the aforesaid order passed by the learned Single Judge which had given her only a limited window vide LPA No. 1026 of 2008.

In the aforementioned appeal, it was held that the appellant herein would be permitted to work on daily wages but, she would stand relieved as soon as a permanent Lady Warder/Lady Home Guard is posted/deputed on the said post.

The learned Single Judge in this instance, whose order is under challenge, did not find anything on record indicating whether any permanent Lady Warder/Lady Home Guard had been posted/deputed on the post concerned.

However, the decision of the Inspector General (Prison), Government of Bihar, refusing to regularize the services of the appellant, was affirmed, holding that no



such regularization could be made as it would be violative of Article 14 of the Constitution of India.

The learned Single Judge has also noted that the appellant had been given only a small window thorough which she could be permitted to officiate as a daily-wager but only till such time that a regular appointee was posted.

No right accrues to the appellant to claim regularization against the said post.

There is no merit in this appeal.

The appeal stands dismissed.

(Ashutosh Kumar, J)

(Harish Kumar, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.02.2023
Transmission Date	

