

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10945 of 2021

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1. Pradip Sah @ Pradeep Kumar Sah, Son of Sri Khushi Lal Sah, Resident of Village- Bherdhari, P.S.- Saharsa, District- Saharsa.
 2. Jai Krishna Yadav Son of Sri Kamleshwari Yadav Resident of Village- Nandlali, P.S. Bihra, District- Saharsa.
 3. Chhedi Lal Yadav Son of Late Bhumi Yadav Resident of Village- Nandlali, P.S. Bihra, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, the General Administration Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum- Collector, Saharsa.
4. The Additional District Magistrate, Saharsa.
5. The Deputy Election Officer, Saharsa.
6. The Senior In-charge Officer, Vehicle Cell, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Sinha, Adv.
For the State	:	Mr. Md. Harun Quareshi, A.C to S.C-1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 10-10-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. The petitioners have approached this Court claiming direction to appoint and reinstate the petitioners on Class-IV post in the District of Saharsa with effect from due date and continuity of service along with all consequential benefits.

3. The prayer has been made without giving any



reference to any earlier engagement order or any details of service earlier discharged by the petitioners on daily wage basis. One vague assertion has been made in Paragraph No.15 that they have been working in the district continuously for about 32 (thirty two) years on Class-IV post. The same is not founded on any document to support this assertion and is also not accompanied with any details of alleged service on daily wages. Heavy reliance is placed on Annexure-3. The Court finds that the same is extract of a panel prepared on 26th May, 2014 by the Collectorate at Saharsa, wherein persons were empanelled for the purpose of appointment. The petitioners were not declared selected or appointed. Pursuant to such empanelment. The writ application has been filed seven years after they had participated in that process of selection.

4. In view of these averments, based on documents placed on record in the writ proceeding, the petitioners have not been able to make out a case for claiming regularization as there is no details of past service claimed to have been rendered on daily wages. It is not mentioned that their selection, at any point of time, was done following any process known to law, let alone being against any sanctioned post.

In view of the settled legal proposition arising out of



the decision of the Hon’ble Apex Court in the case of *Secretary, State of Karnataka & Ors. Vs. Uma Devi (3) & Ors.* reported in *(2006) 4 SCC 1*, no case is made out for regularisation.

5. The writ application is dismissed.

(Madhuresh Prasad, J)

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