

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.589 of 2018

In
Civil Writ Jurisdiction Case No.3099 of 2016

-
-
1. Ganesh Paswan and Ors Son of Late Tuntun Paswan, Resident of Village-Manjhaul P.S.-Cheriya Bariarpur, District-Begusarai.
 2. Sitaram sah, Son of Late Sonelal Sah, Resident of Village-Samshah, P.S. Mansurchak, District-Begusarai.
 3. Dinesh Chaurasiya, Son of Jethu Mahto, Resident of Village-Pakthol, P.S.-Teghra, District-Begusarai.
 4. Bipin Malakar, Son of Late Tulsi Malakar, Resident of Barauni, P.S.-Phulwariya, District-Begusarai.
 5. Sanjay Ram, Son of Late Laxmi Ram, Resident of Village P.S.-Phulwariya, District-Begusarai.
 6. Surya Narayan Mahto, Son of Kamli Mahto, Resident of Village-Rajwara, P.S.-Barauni, District-Begusarai.
 7. Bipin Kumar Sah, Son of Late Chanchal Sah, Resident of Village-Rajwara, P.S.-Barauni, District-Begusarai.

... .. Appellant/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Animal Husbandry Govt. of Bihar, Patna.
3. The Director, the Animal Husbandry Govt. of Bihar. Patna.
4. The Special Deputy Director, Animal Husbandry Project Officer, Barauni, District-Begusarai.
5. The Establishment Icharge-Cum-Staff Animal Treatment Officer, Animal Husbandry Directorate Bihar, P
6. The Regional Director, Darbhanga Commissioner, Darbhanga.
7. The Regional Deputy Directorate Barauni.
8. The District Magistrate, Begusarai.
9. The Animal Intensive Treatment Officer, Manjhan, District-Begusarai.
10. The Animal Intensive Treatment Officer, Barauni, District-Begusarai.
11. The Special Officer Intensive Animal Development, Block Barauni, District-Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr.Shailendra Kr. Divedi Ac to Aag12



CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 16-01-2023

In the present appeal, appellants have assailed the order of the learned Single Judge dated 26.03.2018 passed in CWJC No. 3099 of 2016.

2. Learned Single Judge in its order it is recorded as under:-

“Heard Mr. Pramod Kumar Singh, learned counsel appearing for the petitioners and Mr. Arvind Kumar, learned Assisting Counsel to Government Advocate No.9 for the State.

The petitioners pray for regularization of their services but the details present at paragraph 6 of the writ petition would confirm that petitioner no.1 (Ganesh Paswan) is not in service since 30.12.1989, petitioner no.2 (Sitaram Sah) last worked until 31.12.1984, petitioner no.3 (Dinesh Chaurasiya) has not been functioning as a daily wager since 20.2.1991, petitioner No.4 (Bipin Malakar), petitioner no.5 (Sanjay Ram) and petitioner no.6 (Surya Narayan Mahto) have not been working since after 6.2.1992 and petitioner no.7 (Mr. Bipin Kumar Sah) has worked only until 31.7.1984.

The legal position as regarding the claim of regularization is well settled and a regularization can be directed only in respect of a daily wager who is in service on the date on which such claim is raised. Considering



that these petitioners are out of service since almost quarter of a century, no order on regularization can be passed because any such order would amount to reinstatement of these petitioners, which prayer is neither made nor any such relief can be granted at such belated stage.

The writ petition is disposed of accordingly.”

3. In the light of the aforementioned dates it is a crystal clear case that State has evolved a policy of regularisation on 16.03.2006 *vide* Annexure-2 to the writ petition.

4. Learned counsel for the appellants submitted that in the year 2013 certain modified policies are issued, therefore, cause of action accrued in the year 2013 and they have approached this Court in the year 2016. The aforesaid contention cannot be appreciable for the reasons that all the appellants were in service during the period from the year 1984 to 1989 and 1992 and they have knocked the door of this Court in the year 2016 seeking regularisation. In other words, after more than one decade they have approached this Court seeking regularisation. Hence, it is a clear case of delay and laches on the part of the appellants in invoking remedy under Article 226 of the Constitution, hence, no ground is made out so as to interfere with the order of learned Single Judge.



5. Accordingly, the present Letters Patent Appeal No.
589 of 2018 stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.01.2023
Transmission Date	NA

