

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1197 of 2014

In

Civil Writ Jurisdiction Case No.2539 of 2014

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Ravindra Kumar, son of Late Jadu Prasad Sah, Resident of village- Deo Nagar, Goriasthan, Post Sadikpur, Police Station Maner, District Patna.

... .. Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources (Irrigation) Department, Government of Bihar, Patna.
3. The Director Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar.
4. The Special Officer of Land Rehabilitation, North Koyal Project Daltanganj.

... .. Respondents -Respondent/s

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Appearance :

For the Appellant/s : Mr. Santosh Kumar Verma, Advocate

For the Respondent/s : Mr. Ajay, G.A.-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-07-2023

1. The writ petition was filed by the petitioner -appellant herein challenging an order rejecting the representation for restoration of his service, which representation was based on an indulgence shown by this Court in another writ petition being CWJC No.5610 of 2001.

2. The appellant was appointed to the post of Amin on 24.03.1987 by a Rehabilitation Officer; which appointment was found to be illegal since the appointment



was made by a person not authorized to make such appointment. By an office order dated 14.10.2000 (Annexure-1), the services of the appellant were terminated with immediate effect. A writ petition filed before this Court being CWJC No.5610 of 2001 was also dismissed finding no reason to allow the appellant to continue on an illegal appointment made. However, the learned Single Judge directed the consideration of a representation, if filed, based on the principle in a decision of Hon'ble the Supreme Court in **Secretary, State of Karnataka and others v. Uma Devi(3), (2006) 4 SCC 1.**

3. In any event, we do not think that **Uma Devi** (supra) strictly permit such consideration of regularization of any illegal appointment made. However, representation was considered by the Government and rejected by an order dated 03.10.2007 (Annexure-2). The appellant challenged the order before this Court in CWJC No.2539 of 2014 on 27.01.2014. The learned Single Judge dismissed the writ petition on the ground of delay and laches which we do not find any reason to interfere with.

4. We also find that there was no valid claim for regularization as prayed by the appellant on the basis of an



illegal appointment made on which he was terminated and the termination was upheld by this Court.

5. The Letters Patent Appeal is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sunil/-

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