

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1521 of 2014

In
Civil Writ Jurisdiction Case No.2628 of 2014

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Satish Kumar Singh, S/o Late Ram Nath Singh, Resident of Village
Dhanechha, Police Station Durgawati, District Kaimur Bhabua.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources (Irrigation) Department,
Government of Bihar, Sinchai Bhawan, Patna
3. The Director Land Acquisition and Rehabilitation, Water Resources
Department, Government of Bihar, Sinchai Bhawan, Patna
4. The Inquiry Committee through its Chairman, Water Resources Department,
Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Santosh Kumar Verma, Advocate
For the Respondent/s	:	Mr. R.N.Prasad, SC-9
		Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-10-2023

The appeal is by the writ petitioner challenging
the judgment rejecting his claim for regularisation.

2. The learned counsel for the appellant produced
before us a judgment of the Hon'ble Supreme Court in S.L.A(C)
No. 3431 of 2017, titled as *Pradeep Narayan Jha V. The State
of Bihar & Ors.*, dated 28.11.2022; which, according to him, is
on similar circumstances.



3. The learned Government Advocate, on the other hand, pointed out that this is the second round of litigation and the representation filed after taking permission from this Court in the earlier round, was rejected, which order is neither produced nor challenged in the writ petition.

4. The petitioner in the writ petition challenged an order dated 05.06.1998 (Annexure-1) passed by the 3rd respondent, which terminated the service of the petitioner on the ground that his initial appointment itself was illegal, made by an officer who had no authority to make such an appointment. In fact, an Inquiry Committee had gone into the appointments when a prayer was made to reinstate the petitioner, based on which, the said prayer was also dismissed.

5. The petitioner is said to have been appointed as a Store Keeper, a Class-III post, by an office order dated 16.09.1986 for a period of three months, by the Rehabilitation Officer, North Koyal Project, Daltenganj from Annexure-2. His services were extended from time to time and a show cause notice was issued on 17.06.1997. An opportunity for hearing was afforded and the service of the petitioner was terminated with immediate effect, as per Annexure-1 on the grounds above referred.



6. The petitioner filed CWJC No. 8333 of 1998, which was dismissed by Annexure-5 dated 13.08.2008. An appeal was filed as LPA No. 56 of 2009, which was permitted to be withdrawn by Annexure-6 order dated 28.02.2009, reserving liberty to approach the Committee for redressal of his grievance. A representation was filed on 23.03.2009, which was rejected by order dated 27.12.2010. This order has neither been produced before Court nor challenged in the writ petition. The writ petition itself was filed much later in the year 2014.

7. The learned Single Judge, according to us, has rightly found that the petitioner was appointed purely on a provisional basis, which appointment itself was by a person not authorised to make such appointment. There was no procedure followed by inviting application from the public before such appointment was made, clearly violating Articles 14 and 16 of the Constitution of India.

8. The learned Single Judge also relied on the judgment of the Hon'ble Supreme Court in *Secretary, State of Karnataka and Ors. v. Uma Devi (3) and Ors.; (2006)4 SCC 1*, in which the Hon'ble Supreme Court had deprecated the practise of backdoor appointments and emphasised the need for adherence to the rule of equality in public employment; failure



of which would be in violation of Articles 14 and 16 of the Constitution. The learned Single Judge also specifically noticed the caution expressed in the cited decision to restrain the High Courts from permitting absorption or regularization of persons who indulged in “litigious employment”.

9. The order of the Hon’ble Supreme Court cited before us, despite noticing that pursuant to an interim order, the appellant therein had continued in service from 2003 upheld the decision of the High Court, which negated a similar claim of regularisation.

10. We find no reason to entertain the appeal and the same stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
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