

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.425 of 2019

In
Civil Writ Jurisdiction Case No.21564 of 2014

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1. Ranjan Kumar Tanti Son of Chulho Tanti Resident of Village Kalyanpur, Ward No.21, P.S and Dist. Jamui.
 2. Ratan Kumar Pan Son of Kedar Tanti Resident of Village Kalyanpur, Ward No.21, P.S and Dist. Jamui.
 3. Rajesh Kumar Tanti Son of Shiv Shankar Tanti Resident of Village Kalyanpur, Ward No.21, P.S and Dist. Jamui

... .. Appellants.

Versus

1. The State of Bihar through District Magistrate, Jamui.
2. Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. Divisional Commissioner, Munger Division, Munger.
5. District Magistrate, Jamui.
6. Sub Divisional officer cum Sub Divisional Magistrate, Jamui.
7. District Program Officer (Establishment), Jamui.
8. Nazarat Deputy Collector, Jamui.

... .. Respondents.

Appearance :

For the Appellants	:	Mr. Prabhat Ranjan Singh, Advocate.
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG-3.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-05-2024

The appellants have assailed the order of the learned
Single Judge dated 25.02.2019 passed in C.W.J.C. No.21564 of
2014.

2. Grievance of the appellants is that they are entitled



to be appointed against one of the Group-D post with reference to the fact that they were initially appointed on adhoc basis in the year 2002.

3. Learned counsel for the appellants was repeatedly asked as to how appellants have vested right over the post of Group-D, he was unable to assist this Court.

4. Even assuming that appellants are entitled to have certain reliefs under judicial pronouncement like **Secretary, State of Karnataka and Ors. vs. Uma Devi & Ors.**, reported in (2006) 4 SCC 1 and **State of Karnataka and Ors. vs. M.L. Kesari and Ors.**, reported in (2010) 9 SCC 247, still they do not fulfill the criteria laid down in the aforementioned decisions of the Hon'ble Supreme Court to the extent that they must be working against the sanctioned post, qualified for the post and other criterias. One of the conditions for the purpose of regularization under Uma Devi's decision is that a person must be working for ten long years as on 01.04.2006, the date on which Uma Devi's Judgment was rendered. In the present case, appellants were stated to have been appointed on adhoc basis only in the year 2002. On this score also, the appellants are not entitled.

5. Taking note of these facts and circumstances, the



appellants have not made out a case for regularization or appointment against Group-D post.

6. Accordingly, the present L.P.A. stands dismissed. Pending Interlocutory Application(s), if any, stands disposed of.

7. It is to be noted that any of the Group-D post under the State was required to be filled up after due adherence to Articles 14 and 16 of the Constitution of India read with Rules of Recruitment framed under Article 309 of the Constitution of India.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
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