

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.284 of 2020

In

Civil Writ Jurisdiction Case No.25044 of 2019

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Amit Kumar Yadav Son of Anandi Prasad Yadav Resident of Mohalla-Chhoti Kelabari, Munger, P.S. Kotwali, District-Munger.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Principal Secretary, Public Engineering Department, Government of Bihar, Patna.
3. The Principal Secretary General Administration Department, Government of Bihar, Patna.
4. The Divisional Commissioner Munger Division, Munger.
5. The Engineer-in- Chief (Mechanical) P.H.E.D., Government of Bihar, Patna.
6. The Superintending Engineer (Mechanical) P.H.E.D. Bhagalpur, Bihar.
7. The Executive Engineer P.H.E.D., Munger.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shambhu Sharan Singh, Advocate
For the State : Mr.Alok Ranjan,AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 20-02-2024

Re: I.A. No.01 of 2024

Heard I.A. No.1 of 2024.

2. For condonation of delay in filing L.P.A. No. 284/2020, one of the reasons assigned for condonation of delay of about six months is that Covid 19 period would cover. In the light of Hon'ble Supreme Court decision in the case of *Aditya Khaitan*



and Others vs. IL and FS Financial Services Limited reported in **(2023) 9 SCC 570**, six months delay in filing L.P.A. No.284/2020 stands condoned.

3. Accordingly. I.A. No.01 of 2024 stands allowed.

4. The appellant has assailed the order of the learned Single Judge dated 13.12.2019 passed in C.W.J.C. No.25044/2019. Core issue involved in the present lis is whether the appellant is entitled to regularization with reference to his daily wage service or not ?

5. It is undisputed that appellant is stated to have entered into service as a daily wager w.e.f. 04.01.2014 with certain breaks. He has not pointed out any policy decision of the State Government with reference to any criteria for regularization read with the service particular of the appellant and the daily wager would fit into for regularization.

6. Be that as it may Hon'ble Supreme Court in the case of ***Secretary, State of Karnatka and Ors. vs. Uma Devi & Ors.*** reported in **(2006)4 SCC 1** laid down certain principles for the purpose of regularization. None of the principles have been fulfilled by the appellant. Moreover after orders of the Hon'ble Supreme Court in the case of ***Gopal A.B. vs. State of Bihar*** have not issued any policy decision in respect of daily wagers



regularization. Therefore, we have to adhere to the principle laid down by the Hon’ble Supreme Court in the case of **Secretary, State of Karnatka and Ors. vs. Uma Devi & Ors.** reported in **(2006)4 SCC 1**. Taking note of service particular of the appellant to the extent that he was initially appointed as daily wager on 04.01.2014 and continued to be as a daily wager with certain breaks that does not suffice for the purpose of claiming regularization in the absence of any policy decision of the State. In other words, the appellant has no vested right to claim regularization with reference to the daily wager service.

7. Accordingly, the L.P.A. stands dismissed. While affirming the order of the learned single judge. The present order would not be a hurdle for the appellant in the event of any policy decision of the State Government for regularization issued in future.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
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