

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1165 of 2019

In
Civil Writ Jurisdiction Case No.374 of 2019

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Ramanuj Kumar, Son of Laxman Singh, Resident of Village-Abgila @ Ablila,
P.S.-Rampur, Dist.-Arwal.

... .. Appellant/s

Versus

1. The State of Bihar through Chief Secretary Govt. of Bihar, Patna.
2. The Principle Secretary, Animal and Fisheries Resource Department, Govt. of Bihar, Patna.
3. The Director, Dairy Development, Animal and Fisheries Development, Govt. of Bihar, Patna.
4. The Commissioner, Maghaddh Pramandal, Gaya.
5. The Collector, Arwal.
6. The Deputy Collector, Establishment, Arwal.
7. The District Dairy Development Officer, Arwal.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shabbir Ahmad, Advocate
	:	Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr. Asif Kalim, AC to AAG- 12

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 02-01-2024

The appellant has assailed the order of the learned
Single Judge dated 09.08.2019 passed in CWJC No. 374 of 2019.

2. The appellant grievance is that he is entitled to
regularization against one of the Class- IV post with reference to
his initial appointment as a Sweeper on 13.12.2013. It is submitted
that the respondents have extracted Class- IV post duties from the



appellant. He has worked during the period from 13.12.2013 till Covid period. Admittedly, there are two Class- IV posts and those were vacant till 2015. In the year 2015, one person was appointed on regular basis against Class- IV post. Thereafter, the remaining Class- IV post work was extracted from the appellant. Even after lapse of about one decade respondents have not taken any initiative to fill up remaining Class- IV post. On the other hand, in the absence of any policy decision the officers were permitted to engage services of such of those workers who intend to work as a Sweeper in the respective Offices. After extracting work for the years together they cannot be sent out abruptly. Having regard to the fact that appellant was displaced during the Covid 19 period in the year 2020 and the fact that one vacant post is available. Therefore, till regular recruitment is undertaken for Class- IV post the appellant shall be taken to duty and extract work against the Class- IV post in terms of earlier arrangement till regular recruitment is undertaken by the competent authority.

3. The appellant is not entitled for regularization even though he is stated to have worked against the sanctioned post during the period from 13.12.2013 to 2020 for the reasons that he has not completed 10 years of service. On the other hand, he has been displaced in the year 2020. Further question of regularization



of appellant's services is not warranted in the light of Hon'ble Apex court decision in the case of **Secy., State of Karnataka and Others vs. Uma Devi** reported in **(2006) 4 SCC 1**. The appellant cannot claim equity in future as and when regular Class- IV post is filled up. The concerned authority is hereby directed to take back the appellant forthwith and continue him against one of the Class- IV post till regular recruitment is made.

4. With the above observations, the order of the learned Single Judge dated 09.08.2020 passed in CWJC No. 374 of 2019 stands modified. Accordingly, the present Letters Patent Appeal No. 1165 of 2019 stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

