
(2013) 08 MP CK 0358

In the Madhya Pradesh High Court

Case No : Writ Petition No. 13732 of 2013

Dinesh Kumar Sahu

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 27-08-2013

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2013) 08 MP CK 0358

Hon'ble Judges : R.S. Jha, J

Bench : Single Bench

Advocate : P.S. Tomar, for the Appellant;

Final Decision : Dismissed

Judgement

R.S. Jha, J.—The petitioner has filed this petition being aggrieved by order dated 4-7-2013 passed by the respondent No. 4, pursuant to the order passed by this Court in W.P. No. 4781/2013, dated 16-4-2013, by which the claim of the petitioner for regularization had been directed to be considered and decided by the respondent/authorities. By the impugned order the claim of the petitioner for regularization has been rejected.

2. It is submitted by the learned counsel for the petitioner that the petitioner has been performing the work of Photocopy Operator in the respondent No. 4/College and in such circumstances he is entitled for regularization of his services since 30-10-1999 as has been done by the respondents in similarly situated cases of other persons. The learned counsel for the petitioner also submits that the petitioner was in fact also given a letter of appointment on contractual basis.

3. Having heard the learned counsel for the petitioner and after a perusal of the record it is observed that the authority concerned has examined and scrutinized the case of the petitioner as per the directions of this Court and recorded a finding to the effect that the petitioner was not engaged against any vacant and sanctioned post and that his engagement is totally de-hors the procedures

prescribed by the rules. It has further been stated that the petitioner was required to do work for about 20 days in a month for which he is paid on Collector rate and in such circumstances his services cannot be regularized as his appointment being illegal.

4. Having perused the impugned order, in the light of the law laid down by the Supreme Court in the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, , I find no illegality or infirmity in the impugned order as the petitioner was not engaged on any vacant sanctioned post after following the procedure prescribed by law and, therefore, in these circumstances the petitioner cannot claim regularization.

5. The next contention of the petitioner relates to discrimination.

6. The Supreme Court in the case of Official Liquidator Vs. Dayanand and Others, has held that once the authority finds the engagement of an individual to be illegal and denied regularization, he cannot claim regularization by invoking Section 14 of the Constitution of India after decision of the Supreme Court in Umadevi's case (supra). In the circumstances, the petition filed by the petitioner being meritless is accordingly dismissed.