
(2007) 05 PAT CK 0048
In the Patna High Court
Case No : CWJC No. 12442 of 2004

Md. Salauddin and Others	Vs	APPELLANT
The State and Others		RESPONDENT

Date of Decision : 21-05-2007

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2007) 3 PLJR 548

Hon'ble Judges : Navaniti Pd. Singh, J

Bench : Single Bench

Judgement

Navaniti Pd. Singh, J.—Heard. The petitioners in both these writ petitions were hired in purely daily wages for a short period in a year for ten days or over a month. The work was purely for spraying of D.T., a part of malaria eradication programme. There is no substantive post for the same. They have filed the present writ petition for regularisation in Government employment. In the writ petition, the petitioners have no right to regularise at all. This is settled by the decision of the Apex Court in Secretary, State of Karnataka and Others Vs. Umadevi and Others, wherein it has been held in para 45 that when a person seeks temporary or casual employment under the State he does not so operate, in my view, the petitioners have no right to regularisation at all. Such casual or temporary employment cannot enure to the interest of the employee to take a plea of regularisation.

2. In the present case, the petitioners were not even in regular employment even as a casual or daily wagers their services were taken for casual work at a time in a year and not beyond a few weeks in a year. Regularisation, pre supposes a regular employment on a temporary basis to be made permanent. Here the employment was ad hoc and temporary and for certain period in a year, such employment cannot give right to regularisation. Petitioner"s plea was that as per the State Government itself, a panel has to be prepared for being considered to be given employment in future. Being empanelled does not create

right for the petitioners to get employment. In making employment Articles 14 and 16 have to be complied with. Employment cannot be reserved for any such category of person. Such an experience of being employed can, of course, be taken into consideration as experience of working under the Government and be used to give preference if otherwise permissible.

3. In the counter affidavit it is stated that there is serious doubt about the authenticity of the service granted and appended as Annexure 1 series and direction to the issuing officer has been given to separately file counter affidavit. Officer though directed to file separate counter affidavit has chosen to stay away from these proceedings. It is further stated in the counter affidavit that name of eligible persons like the petitioners have already been sent for empanelment.

4. In that view of the matter no further grievance can be made by the petitioners. In that view of the matter these writ petitions are disposed of with the aforesaid observations.