

(2019) 09 PAT CK 0136

In the Patna High Court

Case No : Letters Patent Appeal No. 1367 Of 2018 In Civil Writ Jurisdiction Case
No. 2427 Of 2016

State Of Bihar And Ors

APPELLANT

Vs

Gopal Prasad Gupta And Ors

RESPONDENT

Date of Decision : 20-09-2019

Acts Referred:

Citation : (2019) 09 PAT CK 0136

Hon'ble Judges : Amreshwar Pratap Sahi, CJ; Ashutosh Kumar, J

Bench : Division Bench

Advocate : Anjani Kumar, V.R.P. Singh, Arvind Kumar

Final Decision : Dismissed

Judgement

Having heard Shri Anjani Kumar, learned A.A.G., we are satisfied that the delay has been sufficiently explained. The delay condonation application is allowed. The appeal shall be treated to be within time.

The appeal questions the correctness of the impugned judgement dated 12th of April, 2018 on the ground that the directions issued for regularization of the respondent-petitioners is not in consonance with the law laid down by the Apex Court in the case of Secretary, State of Karnataka & Ors. v. Umadevi & Ors., reported in (2006) 4 SCC 1. The main contention is that in the absence of any vacancy or any such regular post available, such a direction for regularization being not in conformity with the law aforesaid, the learned Single Judge has committed an error in proceeding to issue a mandamus as prayed for.

We have heard learned counsel for the appellants as well as the learned counsel for the respondent-petitioners and from the undeniable facts which have emerged from the pleadings, it is more than evident that the respondent-petitioners have continued in their capacity as daily wagers and have also been extended the benefit of minimum pay-scale for almost three decades. This period of continuity of the respondent-petitioners is more than sufficient for us to deny

any interference with the directions given by the learned Single Judge which has rightly relied upon the decisions referred to therein and has issued the mandamus as prayed for.

Accordingly, this is not a fit case where any interference is called for.

The appeal stands dismissed.