

(2009) 08 JH CK 0020
Jharkhand High Court
Case No: Writ Petition (C) No. 4177 of 2003

Raj Kishore Banra

APPELLANT

Vs

State of Jharkhand
and Others

RESPONDENT

Date of Decision: Aug. 19, 2009

Hon'ble Judges: Amareshwar Sahay, J

Bench: Single Bench

Advocate: P.A.S. Pati, for the Appellant;

Final Decision: Dismissed

Judgement

A. Sahay, J.

Heard.

The prayer of the petitioner in this writ petition is for a direction for quashing the office order No. 47 dated 15.2.2003 whereby, the concerned respondent No. 6 refused to regularise the service of the petitioner to the post of clerk-cum-typist.

2. According to the petitioner, he was appointed on daily wage basis as an Assistant-cum-typist and was working in the Divisional Forest Office, Porahat State Trading Division No. 1, Chaibasa, Singhbhum West from 5.4.1982. The petitioner has not annexed any letter showing his appointment but has filed only a document i.e. Annexure-2 i.e. a certificate which is said to be issued by the office of Divisional Forest Office, Porahat State Trading Division No. 1, Chaibasa, Singhbhum West stating therein that the petitioner worked for a certain period. Nothing has been shown by the petitioner that he was appointed after following due process for making public appointment.

3. On the other hand, in the counter affidavit filed by the respondents, it has been stated that while engaging the petitioner on daily wage basis, no recruitment rule was followed-neither names were asked from the employment exchange nor any advertisement was made nor any screening test was done and therefore, the

appointment of the petitioner is wholly illegal ab-initio.

4. In view of the judgment of the Supreme Court in the case of State of Karnataka v. Uma Devi (1) 2006 (109) FLR 826 (SC) : 2006 (42) AIC 935 (SC), and reiterated in the case of [Official Liquidator Vs. Dayanand and Others](#), . no relief can be granted to the petitioner wherein it has been specifically held that if without following the recruitment rules for public appointment, any appointment either temporary, contractual, casual, daily wage or adhoc has been made then the High Court cannot direct to absorb or regularise the services of such appointee.

5. In this view of the matter, I do not find any merit in this writ petition. Accordingly, it is dismissed.