

(2002) 12 PAT CK 0081

Patna High Court

Case No: L.P.A. No. 52 of 1994

Umashankar Tiwary

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: Dec. 3, 2002

Citation: (2003) 1 PLJR 340

Hon'ble Judges: Ravi S. Dhavan, C.J; R.N. Prasad, J

Bench: Division Bench

Advocate: Abha Verma, Kundan Bahadur Singh, Arjun Prasad Singh and Narendra Kumar, for the Appellant; Suresh Chandra Prasad Sinha and Ratan Kumar Sinha, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. This Letters Patent Appeal is against the order dated 25th March, 1994 on C.W.J.C. No: 3570 of 1998: Umashankar Tiwary v. State of Bihar and Ors.
2. In effect, the relief sought by the Petitioner is that though being directed to receive promotion, he has been wrongly denied his position as routine clerk.
3. Of being equally placed, Which the Petitioner claims, there is a clear disparity. Whereas Respondent No. 7 had been appointed on a work charge establishment, the Petitioner had been appointed only for six months on a temporary and ad hoc basis.
4. In the circumstances, there is no discrimination which the Petitioner faced by the regularisation of the services of the Respondent No. 7. The Petitioner also received regularisation.
5. The observations of the learned judge in paragraph 8 are relevant and, thus, reproduced:

From the facts stated above, it is apparent that this was a case of direct recruitment and not promotion as alleged by the Petitioner. The Respondents have rightly contended that the appointment to the post of routine clerk and revenue muharir was on the basis of direct recruitment. Therefore, it was not necessary for them to prepare a seniority list. For the reasons stated above, the Petitioner's claim for promotion as also quashing of the impugned order has no legs to stand. Similarly, with regard to alternative submission of the learned Counsel that necessary formalities were not followed at the time of appointment of Respondent Nos. 6 and 7, I am not inclined to interfere with the impugned order which was passed as back as in the year 1981.

6. The court does not find any error in the order of the learned judge so as to interfere by the present Letters Patent Appeal.

7. Besides, the court is fully conscious of the irregularities of appointments which flood cases before the High Court. Already there are matters under inquiry of recruitment made by the State of Bihar and services transferred to public corporations and subsequently regularisation of service also effected. In the Petitioner's case, he subsequently became an employee of the Water Development Corporation. However, the court is not digging the past. The Petitioner is lucky that he is retained on a job and has been regularised.

8. So far as the appeal is concerned the court is of the view that even the writ petition is not maintainable.

9. Dismissed.