

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13895 of 2021

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1. Gauri Shankar Sharma Son of Bindeshwar Singh Resident of Village-Mayapur, P.S.- Wazirganj, District- Gaya.
 2. Anuj Kumar Singh Son of Suresh Prasad Singh Resident of Village-Dudhaka Gachhi, P.O. and P.S.- Sonapur, District- Saran.
 3. Santosh Kumar Yadav Son of Late Hiralal Yadav Resident of Village-Laxmipur, P.O.- Baliwan Sagar, P.S.- Bisambarpur, District- Gopalganj.
 4. Jagat Paswan Son of Late Rajaram Paswan Resident of Village and P.O.- Srichandpur, P.S.- Neora (Bihta), District- Patna.
 5. Ranjan Kumar Son of Shree Dudh Nath Prasad Resident of Village-Gheghtha, P.O.- Govind Chak, P.S.- Sonapur, District- Saran at Chapra.
 6. Aslam Ali Son of Md. Kalam Resident of Village- Panch Patia, P.O.- Deoria, P.S.- Avtar Nagar, District- Saran at Chapra.
 7. Pankaj Kumar Son of Jaldhar Prasad Singh Resident of Village- Sakhua, P.O.- Maheshpur, P.S.- Sanulaha, District- Bhagalpur.
 8. Sanjay Kumar Singh Son of Kameshwar Prasad Singh Resident of Village-Maldih, P.O.- Karanja, P.S.- Shambuganj, District- Banka.
 9. Tuphani Prasad Yadav Son of Late Prasadi Yadav Resident of Village-Prawachak, P.O.- Telianogay, P.S.- Fulli Dumar, District- Banka.
 10. Shravan Kumar Son of Shiwn Prajapati resident of village-Nanuok, P.O.- Bijubigha, P.S.-Buniyadganj, District-Gaya.
 11. Krishna Bharti Son of Ramanand Prasad Mehata Resident of village and P.O.-Mehandipur, P.S.-Psaraha, District-Khagaria.
 12. Dev Shankar Prasad Son of Mahabir Prasad resident of village-Shiwalapur, P.O.-Neora, P.S.-Shahpur, District-Patna.
 13. Sanjeet Kumar Singh Son of Late Suresh Singh resident of village and P.O.- Jamanpura, P.S.-Daudpur, District-Saran.
 14. Pravesh Kumar, son of Suman Prasad, resident of village and P.O.-Chapal, P.S.-Rangra (Gopalpur), District-Bhagalpur.
 15. Bhageshwar Kumar, son of Late Mishreelal Yadav, resident of village and P.O.-Gadhiya, P.S.-Bangaw, District-Saharsa.
 16. Mukesh Kumar son of Sri Balam Prasad, resident of village-Golpur, P.O.- Maghra, P.S.-Deep Nagar, District-Nalanda.
 17. Paras Ray, son of Late Sakaldip Ray, resident of village -Dumari, P.O.-Kanar Hariyarpur, P.S.-Khera, District-Saran.
 18. Rajesh Kumar son of Late Laxman Ram, resident of village and P.O.- Kurkuri, P.S.-Paliganj, District-Gaya.
 19. Radheshyam Prasad, son of Late Munnalal Prasad, resident of village - Pakdihar, P.O.-Laxmipur, P.S.-Jogapatti Sanichiri, District-West Champaran.
 20. Dharmendra Prasad Yadav, son of Timal Prasad Yadav, Resident of village -Salempur, P.O.-Saidpur, P.S.-Shikarpur, District-West Champaran.

21. Jayram Kumar, son of Ramparwesh Singh, resident of village - Kaswa, P.O.-Manjholi, P.S.-Salimpur, District- Patna.
22. Brajesh Kumar Singh, son of Sriramawtar Singh resident of village -Beelwar, P.O.-Nikhatikala, P.S.-Raghunathpur, District-Siwan.
23. Raja Ram Kumar, son of Deolal Yadav, resident of village and P.O.-Sondhi, P.S.-Buniyadganj, Sondhi, District-Gaya.
24. Azad Kumar, son of Late Raj Kumar, resident of village and P.O.-Barara, P.S. and District-Nalanda.
25. Anuj Kumar, son of Ram Parvesh Singh, resident of village -Kaswa, P.O.-Manjhauli, P.S.-Salimpur, District-Patna.
26. Virendra Singh, son of Shree Bhagwan Singh, resident of village -Jadopur, P.O.-Mahuoan, P.S.- District- Bhojpur.
27. Pawan Kumar, son of Nawal Kishor Thakur, resident of village and P.O.-Banuchhappar, P.S.-Muffasil, District-West Champaran.
28. Hajrat Ansari, Son of Sabir Ansari, resident of village-Gyaspur Levari, P.O.-Gyaspur, P.S.-Shisvan, District-Siwan.
29. Gauri Shankar Paswan, son of Ramji Paswan, resident of village and P.O.-Mahuari, P.S.-Sonhanan, District-Kaimur (Bhabhua).
30. Subhash Ram, son of Sudama Ram resident of village and P.O.-Penar, P.S.-Nokha, District-Rohtas.
31. Dharmendra Kumar, son of Sri Jagdish Singh, resident of village-Rampur, P.O.-Aranda, P.S.-Obra, District-Aurangabad.
32. Manoj Kumar, son of Lal Dev Ray, resident of village-Jethui, P.O.-Industrial (Hajipur), P.S.-Hajipur , District-Vaishali.
33. Sanjay Singh, son of Sitaram Singh, resident of village -Nawadara, P.O.-Purana Bhojpur, P.S.-Dumrao, District-Buxar.
34. Rajnish Kumar, son of Sri Vishnu Sah resident of village and P.O.-Barkagam, P.S.- Pakari Dayal, District-East Champaran.
35. Umesh Kumar Yadav, son of Sri Upendra Yadav, resident of village-Singharaha, P.O.-Bhtaghat, P.S.-Bisfi, District-Madhubani.
36. Sunil Kumar, son of Devprit Yadav, resident of village-Chitar Bigha, P.O.-Sikaria, P.S.-Paliganj, District-Patana (Patna).
37. Dharmveer Prasad, son of Late Mishrilal, resident of village-Jhoolan Bigha, P.O.-Bhathar, P.S.-Tharthari, District-Nalanda.
38. Ravindra Kumar, son of Late Rajendra Prasad, resident of village-Bhaluyatar, P.O.-Puraini, P.S.-Muffasil, District-Nawada.
39. Ramji Pandey, son of Late Sri Ram Ganesh Pandey, resident of village- Gop. Bharwli, P.O. and P.S.-Semari, District-Buxar.
40. Santosh Kumar Singh, son of Late Vinay Shankar Singh, resident of village-Shivnagar, P.O.-Vishunpura (Dumriya), P.S.-Koilwar, District-Bhojpur.
41. Devendra Kumar Singh, son of Late Ram Kumar Singh, resident of village-Narayanpur, P.O.-Nasratpur, P.S.-Sandesh, District-Bhojpur.
42. Ramesh Kumar, son of Janardan Ray, resident of village-Phaleza Shahpur

- (Diyara), P.O.-Barka Phaleza, P.S.-Sonepur, District-Chhapra at Saran.
43. Shankar Kumar Singh, son of Ravindra Singh, resident of village and P.O.-Chapar, P.S.-Rangrachok, District-Bhagalpur.
 44. Singheshwar Mandal, son of Sri Maheshwar Mandal, resident of village-Kantpur, P.O.-Nauwagarhi, P.S.-Naya Ram Nagar, District-Munger.
 45. Manish Kumar, son of Nawal Kishor Yadav, resident of village-Sandalpur, P.O.-Munger, P.S.-Kasem Bazar, District-Munger.
 46. Santosh Kumar, son of Hira Lal, resident of village and P.O.-Doma, P.S.-Salimpur (Bakhtiyarpur), District-Patna.
 47. Ranjeet Kumar Singh, son of Ramchandra Singh, resident of village-Karhara, P.O.-Kara, P.S.-Jamhor, District-Aurangabad.
 48. Rajesh Kumar, son of Gaman Yadav, resident of village-Devariyaajel, P.O. and P.S. and District-Jehanabad.
 49. Anuj Kumar, son of Basudev Prasad Singh, Resident of village-Nauabag, P.O. and P.S.-Masarhi, District- Patna (Bihar).
 50. Ravi Ranjan Ray, son of Surendra Prasad Ray, resident of village and P.O.-Sundarpur, Barja, P.S.-Bihiya, District-Bhojpur (Ara), Bihar.
 51. Shailendra Kumar, son of Ram Jeevan Ray resident of village-Dalishman Chak, P.O. and P.S.-Barh, District-Patna.
 52. Ajay Kumar, son of Sri Bhola Nath Singh, resident of village-Mungila, P.O.-Shankarpur, Imamganj, P.S.-Khiori More (Paliganj), District-Patna.
 53. Santosh Kumar, son of Late Kashi Ram, resident of village-Newan, P.O.-Dihari, P.S.-Pipra, District-Patna.
 54. Raj Kumar, son of Sudeshwar Prasad, resident of village and P.O.-Chiraura, P.S.-Naubatpur, District-Patna.
 55. Pramod Kumar, son of Sri Ram Chaudhary, resident of village and P.O.-Chauramanpur, P.S. and District-Buxar.
 56. Munna Singh, son of Ram Jeevan Singh, resident of village-Narayanpur, P.O.-Nashratpur, P.S.-Sandesh, District-Bhojpur (Ara).
 57. Arvind Kumar Yadav, son of Goutam Yadav, resident of village-Mishrauli, P.O.-Bhore, P.S.- Bhore, District-Gopalganj.
 58. Dharmendra Kumar, son of Late Ramjanam Prasad, resident of village-Kandgopi Tola Kukurbhuka, P.O.-Budhya, Hathua, P.S.-Mirganj, District-Gopalganj.
 59. Navneet Kumar, son of Nand Kishor, resident of village-Amwam, P.O.-Mahjpuar, P.S.-Bikram, District-Patna.
 60. Vijay Kumar, son of Ram Babu Yadav, resident of village-Mahuabag, P.O.-Sahay Nagar, P.S.-Rupaspur, District-Patna.
 61. Pankaj Kumar Singh, son of Bindu Bhushan Singh, resident of village-Koshkipur, Baghmara, P.O.-A.G. Bazar, P.S.-Kursela, District-Katihar.
 62. Santosh Kumar Yadav, son of Devi Prasad Yadav, resident of village-Raja Para (Bishari Talla), P.O.-Pakar, P.S.-Pakur, (Jharkhand).
 63. Kapish Kumar, son of Late Avadh Lal, resident of village- Milkichak, P.O.-

Janki Nagar, P.S.-Naya Ram Nagar, District-Munger.

64. Kamlesh, son of Sri Anil Kumar, resident of village and P.O.-Madaush, P.S.-Sirari, District-Sheikhpura.
65. Santosh Kumar son of Sri Nageshwar Prasad, resident of village-Adalchak, P.O.- Hasadih, P.S.- Masaudhi, District-Patna.
66. Dharmendra Kumar, son of Late Lakhan Singh, resident of village and P.O.-Khutaha Dih, P.S.-Badhya , District-Lakhisarai.
67. Pankaj Kumar, son of late Mahendra Prasad Yadav, resident of village-Sitakund Bih, P.O.-Dariyapur, P.S.-Muffasil, District-Munger
68. Pandav Mahto, son of Sri Anandi Mahto, resident of village-Bhawanandpur, P.O.-Panapur, P.S.-Parwata, District-Begusarai.
69. Sarvesh Kumar, son of Sri Narayan Rai, resident of village and P.O.-Kawela, Nisarpura, P.S.-Bihta, District-Patna.
70. Anil Mahto, son of Late Shivdatt Mahto, resident of village-Mahuar, P.O.-Ekbalganj, Nisarpura, P.S.-Bihta, District-Patna.
71. Ritesh Tiwari, son of Sri Narayan Tiwari, resident of village and P.O.-Barishwan, P.S.-Shahpur, District-Bhojpur (Ara).
72. Shiv Bali Singh, son of Sri Nand Kishor Singh, resident of village-Chotaki Hardiya, P.O.-Hardiya, P.S.-Jagdhpur, District-Bhojpur (Ara).
73. Dharmendra Prasad, son of Vishwanath Ram, resident of village and P.O.-Kajhain, P.S.-Bikramgaj, District-Rohtas.
74. Ajay Kumar Singh, son of Sri Ramganesb Singh, resident of villageand P.O.-Jamauli, P.S.-Rajpur, District-Buxar.
75. Talib Hussain Khan, son of Abdul Matlib Khan, resident of villageand P.O.-Lahwar, P.S.-Keotiranway , District-Darbhanga.
76. Pankaj Kumar Singh, son of Harinarayan Singh, resident of AT- Chamrahra, P.O. and P.S.-Mahnar (R.S.), District-Vaishali
77. Vinod Kumar Singh, son of Devdat Prasad Singh, resident of village and P.O.and P.S.- Saraiya, District-Muzaffarpur.
78. Ashok Kumar Singh, son of Singheshwar Singh, resident of village-Kasama, P.O.-kasama Marar, P.S.-Khajauli, District-Madhubani
79. Hiranman Yadav, son of Late Ram Swaroop Yadav, resident of village-Salaiya Kala Tola Raja Ram Chak, P.O. and P.S.-Fatehpur, District- Gaya.
80. Dilip Kumar, son of Shambhu Nath Singh, resident of village-New Rampur, P.O.-Sherpur, P.S.-Maner, District- Patna.
81. Kush Kumar, son of Bharat Ray, resident of village and P.O.- Nonhar, P.S.-Surajpura, District- Rohtas.
82. Pintu Kumar, son of Lakhan Sah, resident of Bahadurpur Housing Colony, Janta Flat, E-R-222, P.O.-TV Tower, BHC, P.S.-Agamkuan, District-Patna.
83. Bipin Kumar, son of Sri Parmeshwar Yadav, resident of villageand P.O.-Bishwambhar Chak, P.S.-Amarpur, District-Banka
84. Sunil Kumar Yadav, son of Mahendra Prasad Yadav, resident of village-Sihuri, P.O. and P.S.-Amarpur, District- Banka.

85. Sanjeev Kumar, son of Singhiwar Mehta, resident of village and P.O.- Sasurai, P.S.-Jankinagar, District-Purnia.
86. Kaushar Ali, son of Islam Ahmad, resident of village and P.O. and P.S.- Chainpur (Kasba), District-Kaimur, Bhabhua.
87. Suraj Kumar Limbu, son of Vir Kumar Limbu, resident of village-Police Line, P.O. and P.S.-K.Hat, District- Purnia.
88. Sanjeev Kumar Jaiswal, son of Naresh Jaiswal, resident of village- Parbatta, P.S.-Ismailpur, District- Bhagalpur.
89. Sanjay Kumar, son of Bishwanath Singh, resident of Mohalla- Rajeev Nagar, Road No.6, P.O. and P.S.-, District- Patna.
90. Satyendra Kumar, son of Ramsarekh Ram, resident of village and P.O.- Baurhi, P.S.-Dhanarua, District-Patna.
91. Arjun Kumar son of Late Ramadhar Singh, resident of village and P.O.- Baurhi, P.S.-Dhanarua, District-Patna.
92. Ravikant Kumar son of Shyam Sundar Prasad, resident of village and P.O. and P.S.-Giriyak, District- Nalanda.
93. Krishna Prasad son of Yadunandan Prasad, resident of village-Dina Bigha, P.O.-Ichahos, P.S.-Islampur, District -Nalanda.
94. Santosh Kumar son of Ramakbal Singh, resident of village- Yamunapur, P.O.-Amhra, P.S.-Bihta, District-Patna.
95. Jyoti Kumar Sharma son of Dudheshwar Rai, resident of village and P.O.- Hasanpur Pipra, P.S. and District- Arwal.
96. Jitendra Kumar son of Rameshwar Singh, resident of village- Bandeli Bigha, P.O.-Parsadi English, P.S. and District- Arwal.
97. Gyandev Kumar son of Narayan Prasad Singh, resident of village and P.O.- Inai, P.S.-Baheri, District- Darbhanga.
98. Manoj Kumar, son of Late Bake Bihari Singh, resident of village and P.O.- Adwan, P.S.-Wajirganj, District- Gaya.
99. Pitambar Kumar, son of Rajendra Manjhi, resident of village -Jhirva, P.O.- Chutiya, P.S. and District- Banka.
- 100 Jitendra Kumar, son of Nand Kishor Yadav, resident of village- Bihta, P.O.- Mandan, P.S. and District- Sheikhpura.
- 101 Md. Ajmal Khan, son of Md. Nazamyudin Khan, resident of village and P.O.-Palatpura, P.S.- Manpur, District- Nalanda.
- 102 Manoranjan Kumar, son of Late Waleshwar Singh, resident of village- Surumpur, P.O. and P.S.-Silav, District- Nalanda.
- 103 Shiv Mohan Singh, son of Ramakant Singh, resident of village- Aslan, P.O.- Bagwan, P.S.-Garhani, District -Bhojpur (Ara).
- 104 Rajesh Kumar Singh, son of Ramjivan Singh, Resident of village- Narayanpur, P.O.-Nasratpur, P.S.-Sandesh, District- Bhojpur (Ara).
- 105 Ajit Kumar Yadav, son of Yogendra Prasad Yadav, resident of village-Baja, P.O.-Ramchandrapur Ithari, P.S.-Amarpur, District-Banka.
- 106 Virbahadur Singh, son of Rambachan Singh, resident of village -Leruan,

- . P.O.-Kanchanpur, P.S.-Sasaram, District-Rohtas.
- 107 Tej Prakash Upadhyay, son of Ram Kumar Upadhyay, resident of village and
. P.O.- Sadaveh, P.S.-Dulhin Bazar, District- Patna.
- 108 Pintu Kumar, son of Late Achyutanand Singh, resident of village and P.O.-
. Shivkund, P.S.- Dharhara, District-Munger.
- 109 Amarkant Jha, son of Sukhdeo Jha, resident of village- Mahurrtan, P.O.-
. Barohania, P.S.-Sangrampur, District-Munger.
- 110 Santosh Kumar, son of Raghuvir Yadav, resident of village- Hasangun, P.O.-
. Sifabad, P.S.- Kasimbagar, District-Munger.
- 111. Jaisiyaram Yadav, son of Arjun Yadav, resident of village and P.O.and P.S.-
Khajoli, District- Madhubani.
- 112 Santosh Kumar Sinha, son of Late Bindeshwar Prasad Sinha, resident of
. village- Patila, P.O.-Chatra, P.S.-Kopa, District- Chapra (Saran).
- 113 Mahesh Prasad Singh, son of Ram Prasad Singh, resident of village and
. P.O.-Suki, P.S.-Khajoli, District- Madhubani.
- 114 Upendra Kumar Mandal, son of Tarni Mandal, resident of village Lailakh,
. P.S.-Sabour, District- Bhagalpur.
- 115 Kailash Prasad Singh, son of Chhedi Prasad Singh, resident of village -
. Harhath Chak, P.S.-Gopalpur, District- Bhagalpur.
- 116 Jai Jairam Kumar, son of Bhupi Yadav, resident of village and P.O.-Mathahi,
. P.S. and District- Madhupura.
- 117 Mirtunjay Kumar Tiwari, son of Deo Kumar Tiwari, resident of village-
. Balmiki Nagar (Godhana Road), P.S.-Nawada (Ara), District- Bhojpur
(Ara).
- 118 Santosh Kumar, son of Lalan Singh, Resident of village- Khorahara, P.S.-
. Ramgadh, District- Kaimur.
- 119 Binay Prakash, son of Indradev Prasad Singh, resident of village -Kathatar,
. P.S.- Rajpur, District- Buxar.
- 120 Sachit Kumar, son of Late Sri Koko Prasad Yadav, resident of village
. -Matiahi, P.S. and District- Madhepura.
- 121 Kaushal Kumar Ram, son of Shree Yugal Ram, resident of village -Sirsa,
. Camp, P.S.- Muffasil, District- Katihar.
- 122 Navin Kumar Rajak, son of Ramdev Rajak, resident of village- Parwata,
. P.O.-Saho Parwata, P.S.-Ismailpur, District- Bhagalpur.
- 123 Sushil Kumar Mandal, son of Bishnudev Mandal, resident of village and
. P.O.-Sadhua, P.S.-Rangra OP, District- Bhagalpur
- 124 Rajesh Kumar son of Shivnath Singh, resident of At and P.O.-Babhnaul,
. P.S.-Davath, District- Rohtas.
- 125 Sanjay Kumar, son of Bachan Singh, resident of village -Samai, P.S.-
. Muffasil Nawada, District- Nawada.
- 126 Manish Kumar Chaudhary, son of Mahendra Chaudhary, resident of At and
. P.O. and P.S.-Khajoli, District- Madhubani.
- 127 Jalandhar Paswan, son of Jamuna Paswan, Resident of village Keshopur,

- . P.O. and P.S.-Telhara, District- Nalanda.
- 128 Md. Karim Azad, son of Md. Ainul Haque, resident of village - Karja, P.O.-
. Umrawganj, P.S.-Bihiya, District- Bhojpur.
- 129 Md. Aklakh Khan, son of md. Akbal Khan, resident of village and P.O.-
. Akhini, P.S.-Noan, District -Kaimur (Bhabhua).
- 130 Nandu Paswan, son of Ramgati Ram, resident of village Jina Tola Dhus,
. P.O.and P.S.-Nasriganj, District- Rohtas.
- 131 Birendra Kumar Tiwari, son of Birendra Kumar Tiwari, resident of village -
. Chamariawan, P.O.-Mio, P.S.-Belawn, District- Kaimur.
- 132 Rajesh Kumar Yadav, son of Ramishwar Ray, resident of village and P.O.and
. P.S.-Hekma, District- Chapra (Saran).
- 133 Binod Kumar, son of Ramishwar Mistri, resident of village and P.O.-
. Sikandarpur, P.S.-Shakurabad, District- Jehanabad.
- 134 Anuj Kumar, son of Baleshwar Singh, resident of village Mokam Bigha,
. P.O.-Atiyama, P.S.-Ghoshi, District- Jehanabad.
- 135 Rakesh Kumar, son of Late Jayram Prasad, resident of village and P.O.-
. Kapsiyawan, P.S.- Hilsa, District- Nalanda.
- 136 Uday Kumar, son of Radhe Prasad, resident of village Santan Bigha, P.O.-
. Bansdih, P.S.-Thartari, District- Nalanda.
- 137 Dinkar Kumar, son of Late Sudheshwar Yadav, resident of village Bariyahi
. Basti, P.O.-Rahua Mani, P.S.-Bangaon, District-Saharsa.
- 138 Ram Padarath Mishra, son of Late Mahesh Kant Mishra, resident of village
. and P.O.-Kanthudih, P.S.- Bahera, District- Darbhanga.
- 139 Pankaj Kumar, son of Late Bishwanath Yadav, resident of village and P.O.-
. Tuniyahi, P.S. and District- Madhepura.
- 140 Jagdish Kumar, son of Chaitu Das, resident of village Kasnraini, P.O.-
. Shonhan, P.S.-Kewti, District- Darbhanga.
- 141 Sarvesh Kumar Yadav, son of Sri Chunni Prasad Yadav, resident of village
. Gosaidaspur, P.O.-Champbhagar. P.S.-Nathnagar, District-Bhagalpur.
- 142 Lalan Kumar, son of Late Jaikishun Yadav, resident of village -Madhuban,
. P.O.-Khamauti, P.S.-Simri Bakhatiyarpur, District- Saharsa.
- 143 Suresh Mandal, son of Maheshwar Mandal, resident of village - Ujan, P.O.-
. Lohna Road, P.S.-Sakatpur, District -Darbhanga.
- 144 Praveen Kumar Rai, son of Upendra Nath Rai, resident of At and P.O.-
. Chunni, P.S.-Buxar Muffasil, District- Buxar.
- 145 Sartaj Khan, son of Late Hafiz Khan, resident of village and P.O.- Usia, P.S.-
. Dildar Nagar, District- Gazipur (U.P.)
- 146 Neel Kusum Kumar, son of Shriram Prasad, resident of village and P.O.-
. Dahiwar, P.S.-Industrial Buxar, District- Buxar.
- 147 Shoaib Khan, son of Shahabuddin Khan, resident of village - Chatakoni,
. P.O. and P.S.-Dildar Nagar, District- Gazipur (U.P.).
- 148 Jamwant Singh Yadav, son of Late Sarvjeet Singh Yadav , resident of village
. -Tajpur Kurra, P.O.and P.S.-Dildar Nagar, District- Gazipur (U.P.).

- 149 Premchandra Singh, son of Late Mahendra Singh, resident of village -
. Admapur, P.O.- Karwandya, P.S.-Sasaram, District- Rohtas.
- 150 Pramod Kumar, son of Devendra Ray, resident of village Bhikhanpura, P.O.-
. Bhatauliya, P.S.-Desari, District- Vaishali.
- 151 Amarjit Singh Yadav, son of Gopal Singh Yadav, resident of village and P.O.
. Darauli, P.S.-Zamania, District- Gazipur (U.P.).
- 152 Satish Chandra, son of Sevant Paswan, resident of village Sherghati
. Chakpar, P.O. and P.S.- Sherghati, District- Gaya.
- 153 Bipin Kumar, son of Ramjeevan Ray, resident of village Dalishman Chak,
. P.O. and P.S.-Barh, District- Patna.
- 154 Rajeshwar Kumar, son of Pundev Prasad, resident of village - Jaisinghpur,
. P.O.- Khairiwa, P.S.- Turkwliya, District-East Champaran.
- 155 Dayashankar Kumar Singh, son of Sri Ramjaman Singh resident of village
. and P.O.- Ganga Pipar, P.S.- Chiraiya, District- Motihari.
- 156 Amrendra Kumar son of Shree Deonandan Prasad, resident of village
. Mojahidpur, P.O. and P.S.-Akangar Saray, District- Nalanda.
- 157 Naresh Kumar Chaudhary, son of Ram Pratap Chaudhary, resident of village
. and P.O. -Jandaha, P.S.-Ramgarh, District- Kaimur (Bhabhua).
- 158 Santosh Kumar Singh, son of Parmatama Singh , resident of village and
. P.O.-Pajrawan, P.S.-Nuan, District- Kaimur.
- 159 Raju Paswan, son of Sukar Paswan, resident of village Bhopatpur Pasauli,
. P.O.-Pasauli, P.S.- Durgawati, District-Kaimur (Bhabhua).
- 160 Vijay Kumar Singh, son of Sukhraj Singh, resident of village and P.O.-
. Sondhila, P.S.-Muffasil Buxar, District- Buxar.
- 161 Shivji Rajak, son of Puna Rajak, resident of village Bhawani Bigha, P.O.-
. Puraini, P.S.- Muffasil Nawada, District-Nawada.
- 162 Dharmendra Kumar Shah, son of Narayan Prasad Sah, resident of village
. and P.O. and P.S.- Amarpur, District- Banka.
- 163 Kamlesh Kumar, son of Satyendra Singh, resident of village - Bandhua,
. P.O.- Sohepur, P.S.- Muffasil, District- Gaya.
- 164 Shyam Mohan Singh, son of Sakaldeep Singh, resident of village and P.O.-
. Kharaon Kalan, P.S.- Sahar, District- Bhojpur.
- 165 Praveen Kumar, son of Ramashray Prasad, resident of At Khudai Toal
. Beldari, P.O.-Hemara, P.S.-Khizersarai, District- Gaya.
- 166 Pankaj Kumar, son of Late Sri Shyam Sunda Singh, resident of village -
. Bagobar, P.O. and P.S.-Hisua, District- Mawada.
- 167 Arvind Kumar Sharma, son of Late Gopal Sharma, resident of village and
. P.O.-Ner, P.S.-Makdumpur, District- Jehanabad.
- 168 Dhananjay Kumar, son of Rambahadur Singh, resident of At and P.O.-
. Kapasya, P.S.-Paraya, District- Gaya.
- 169 Chunu Kumar Singh, son of Devendra Prasad Singh, resident of village
. -Dhodhri, P.S.-Bhratu, District- Jehanabad.
- 170 Rakesh Kumar, son of Ram Vinay Sharma, resident of ALAF-6, Block-8,

- . Housing Colony, Bhootnath Road, Sampatchak, P.O.-Lohiya Nagar, P.S.-Agamkuan, District- Patna.
- 171 Mukesh Kumar Yadav, son of Shaligram Yadav, resident at -Belutikar, P.O.-Jogdiha, P.S.and District- Banka.
- 172 Brajesh Kumar Singh, son of Baban Singh, resident of village and P.O.-Saranja, P.S.-Rajpur, District- Buxar.
- 173 Surendra Kumar Singh, son of Ram Kumar Singh, resident of village -Narayanpur, P.O.- Nashratpur, P.S.-Sandesh, District -Bhojpur (Ara).
- 174 Ranjan Kumar, son of Rajendra Singh, resident of village Diha, P.O.-Baraini, P.S.-Belaganj, District- Gaya.
- 175 Shahrujama, son of Abdul Kudus, resident of village- Kabrasthan Nagar, Chanauti, P.O. and P.S.-Bara, District-Gaya.
- 176 Pradeep Kumar Singh, son of Sri Ram Prvitar Singh, resident of village Ekwana, P.O. and P.S.-Barahara, District- Bhojpur (Ara).
- 177 Chanchal Kumar Ram, son of Sri Yadu Ram, resident of village- Jaynagara , P.S.- Tliauthu, District- Rohtas.
- 178 Sanjay Kumar, son of Rajkishor Singh, resident at Garha, P.O.- Asni, P.S.-Udwant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

- 1. The State of Bihar Through the Principal Secretary, Department of Home, Government of Bihar, Patna.
- 2. The Principal Secretary, General Administration Department, Government of Bihar.
- 3. The Director General of Police, Bihar, Patna.
- 4. The Additional Director General of Police Head Quarter, Bihar, Patna.
- 5. The Inspector General of Police, Rail, Bihar, Patna.
- 6. The Inspector General of Police, Patna Zone, Patna.
- 7. The Inspector General of Police, Bhagalpur Zone, Bhagalpur.
- 8. The Inspector General of Police, Tirhut Zone, Muzaffarpur.
- 9. The Inspector General of Police, Darbhanga Zone, Darbhanga.

... .. Respondent/s

Service Law--- Bihar Police Manual---Rule 1186---Regularisation of Contractual employees---writ petition challenging the action of Respondent authorities whereby decision was taken to end the services of contractual Sepoy Drivers (Petitioners herein) with a direction to serve a one month notice upon the Petitioners in terms of the agreement---plea that Petitioners were appointed on duly sanctioned vacant posts and got employed, following the regular procedure on the basis of a competitive selection process and, therefore, their appointment cannot be considered as irregular or backdoor appointment---further argument that Petitioners have been working continuously for more than 10 years as permanent employees under the Police Department and that they had their requisite academic and other qualifications---Respondents countered by stating that the academic and other qualifications for the recruitment to the post of Sepoy Drivers were amended w.e.f. 2014 and the posts of Sepoy Drivers are decided to be filled up permanently by selection process--- If the contractual Drivers do not have the qualifications as per the subsequent notification of year 2014, they are not entitled to appear in the selection test---Held: It is a settled principle of law that rule of appointment cannot be retrospective in operation--- by virtue of a subsequent rule made in the year 2014, the Petitioners cannot be said to be disqualified in accordance with the subsequent rule of recruitment--- Respondents directed to regularize the service of the Petitioners who were appointed on contractual basis in the year 2010—writ allowed. (Para 9, 16, 19, 21, 24)

(1983) 3 SSC 33, 2023 SCC online SC 640

.....Relied Upon.

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13895 of 2021

-
1. Gauri Shankar Sharma Son of Bindeshwar Singh Resident of Village-Mayapur, P.S.- Wazirganj, District- Gaya.
 2. Anuj Kumar Singh Son of Suresh Prasad Singh Resident of Village-Dudhaka Gachhi, P.O. and P.S.- Sonapur, District- Saran.
 3. Santosh Kumar Yadav Son of Late Hiralal Yadav Resident of Village-Laxmipur, P.O.- Baliwan Sagar, P.S.- Bisambarpur, District- Gopalganj.
 4. Jagat Paswan Son of Late Rajaram Paswan Resident of Village and P.O.- Srichandpur, P.S.- Neora (Bihta), District- Patna.
 5. Ranjan Kumar Son of Shree Dudh Nath Prasad Resident of Village-Gheghtha, P.O.- Govind Chak, P.S.- Sonapur, District- Saran at Chapra.
 6. Aslam Ali Son of Md. Kalam Resident of Village- Panch Patia, P.O.- Deoria, P.S.- Avtar Nagar, District- Saran at Chapra.
 7. Pankaj Kumar Son of Jaldhar Prasad Singh Resident of Village- Sakhua, P.O.- Maheshpur, P.S.- Sanulaha, District- Bhagalpur.
 8. Sanjay Kumar Singh Son of Kameshwar Prasad Singh Resident of Village-Maldih, P.O.- Karanja, P.S.- Shambuganj, District- Banka.
 9. Tuphani Prasad Yadav Son of Late Prasadi Yadav Resident of Village-Prawachak, P.O.- Telianogay, P.S.- Fulli Dumar, District- Banka.
 10. Shravan Kumar Son of Shiwn Prajapati resident of village-Nanuok, P.O.- Bijubigha, P.S.-Buniyadganj, District-Gaya.
 11. Krishna Bharti Son of Ramanand Prasad Mehata Resident of village and P.O.-Mehandipur, P.S.-Psaraha, District-Khagaria.
 12. Dev Shankar Prasad Son of Mahabir Prasad resident of village-Shiwalapur, P.O.-Neora, P.S.-Shahpur, District-Patna.
 13. Sanjeet Kumar Singh Son of Late Suresh Singh resident of village and P.O.- Jamanpura, P.S.-Daudpur, District-Saran.
 14. Pravesh Kumar, son of Suman Prasad, resident of village and P.O.-Chapal, P.S.-Rangra (Gopalpur), District-Bhagalpur.
 15. Bhageshwar Kumar, son of Late Mishreelal Yadav, resident of village and P.O.-Gadhiya, P.S.-Bangaw, District-Saharsa.
 16. Mukesh Kumar son of Sri Balam Prasad, resident of village-Golpur, P.O.- Maghra, P.S.-Deep Nagar, District-Nalanda.
 17. Paras Ray, son of Late Sakaldip Ray, resident of village -Dumari, P.O.-Kantar Hariyarpur, P.S.-Khera, District-Saran.
 18. Rajesh Kumar son of Late Laxman Ram, resident of village and P.O.- Kurkuri, P.S.-Paliganj, District-Gaya.
 19. Radheshyam Prasad, son of Late Munnalal Prasad, resident of village - Pakdihar, P.O.-Laxmipur, P.S.-Jogapatti Sanichiri, District-West Champaran.
 20. Dharmendra Prasad Yadav, son of Timal Prasad Yadav, Resident of village -Salempur, P.O.-Saidpur, P.S.-Shikarpur, District-West Champaran.



21. Jayram Kumar, son of Ramparwesh Singh, resident of village - Kaswa, P.O.-Manjholi, P.S.-Salimpur, District- Patna.
22. Brajesh Kumar Singh, son of Sriramawtar Singh resident of village -Beelwar, P.O.-Nikhatikala, P.S.-Raghunathpur, District-Siwan.
23. Raja Ram Kumar, son of Deolal Yadav, resident of village and P.O.-Sondhi, P.S.-Buniyadganj, Sondhi, District-Gaya.
24. Azad Kumar, son of Late Raj Kumar, resident of village and P.O.-Barara, P.S. and District-Nalanda.
25. Anuj Kumar, son of Ram Parvesh Singh, resident of village -Kaswa, P.O.-Manjhauli, P.S.-Salimpur, District-Patna.
26. Virendra Singh, son of Shree Bhagwan Singh, resident of village -Jadopur, P.O.-Mahuoan, P.S.- District- Bhojpur.
27. Pawan Kumar, son of Nawal Kishor Thakur, resident of village and P.O.-Banuchhappar, P.S.-Muffasil, District-West Champaran.
28. Hajrat Ansari, Son of Sabir Ansari, resident of village-Gyaspur Levari, P.O.-Gyaspur, P.S.-Shisvan, District-Siwan.
29. Gauri Shankar Paswan, son of Ramji Paswan, resident of village and P.O.-Mahuari, P.S.-Sonhanan, District-Kaimur (Bhabhua).
30. Subhash Ram, son of Sudama Ram resident of village and P.O.-Penar, P.S.-Nokha, District-Rohtas.
31. Dharmendra Kumar, son of Sri Jagdish Singh, resident of village-Rampur, P.O.-Aranda, P.S.-Obra, District-Aurangabad.
32. Manoj Kumar, son of Lal Dev Ray, resident of village-Jethui, P.O.-Industrial (Hajipur), P.S.-Hajipur , District-Vaishali.
33. Sanjay Singh, son of Sitaram Singh, resident of village -Nawadara, P.O.-Purana Bhojpur, P.S.-Dumrao, District-Buxar.
34. Rajnish Kumar, son of Sri Vishnu Sah resident of village and P.O.-Barkagam, P.S.- Pakari Dayal, District-East Champaran.
35. Umesh Kumar Yadav, son of Sri Upendra Yadav, resident of village-Singharaha, P.O.-Bhthaghat, P.S.-Bisfi, District-Madhubani.
36. Sunil Kumar, son of Devprit Yadav, resident of village-Chitar Bigha, P.O.-Sikaria, P.S.-Paliganj, District-Patana (Patna).
37. Dharmveer Prasad, son of Late Mishrilal, resident of village-Jhoolan Bigha, P.O.-Bhathar, P.S.-Tharthari, District-Nalanda.
38. Ravindra Kumar, son of Late Rajendra Prasad, resident of village-Bhaluyatar, P.O.-Puraini, P.S.-Muffasil, District-Nawada.
39. Ramji Pandey, son of Late Sri Ram Ganesh Pandey, resident of village- Gop. Bharwli, P.O. and P.S.-Semari, District-Buxar.
40. Santosh Kumar Singh, son of Late Vinay Shankar Singh, resident of village-Shivnagar, P.O.-Vishunpura (Dumriya), P.S.-Koilwar, District-Bhojpur.
41. Devendra Kumar Singh, son of Late Ram Kumar Singh, resident of village-Narayanpur, P.O.-Nasratpur, P.S.-Sandesh, District-Bhojpur.
42. Ramesh Kumar, son of Janardan Ray, resident of village-Phaleza Shahpur



- (Diyara), P.O.-Barka Phaleza, P.S.-Sonepur, District-Chhapra at Saran.
43. Shankar Kumar Singh, son of Ravindra Singh, resident of village and P.O.-Chapar, P.S.-Rangrachok, District-Bhagalpur.
 44. Singheshwar Mandal, son of Sri Maheshwar Mandal, resident of village-Kantpur, P.O.-Nauwagarhi, P.S.-Naya Ram Nagar, District-Munger.
 45. Manish Kumar, son of Nawal Kishor Yadav, resident of village-Sandalpur, P.O.-Munger, P.S.-Kasem Bazar, District-Munger.
 46. Santosh Kumar, son of Hira Lal, resident of village and P.O.-Doma, P.S.-Salimpur (Bakhtiyarpur), District-Patna.
 47. Ranjeet Kumar Singh, son of Ramchandra Singh, resident of village-Karhara, P.O.-Kara, P.S.-Jamhor, District-Aurangabad.
 48. Rajesh Kumar, son of Gaman Yadav, resident of village-Devariyaajel, P.O. and P.S. and District-Jehanabad.
 49. Anuj Kumar, son of Basudev Prasad Singh, Resident of village-Nauabag, P.O.and P.S.-Masarhi, District- Patna (Bihar).
 50. Ravi Ranjan Ray, son of Surendra Prasad Ray, resident of village and P.O.-Sundarpur, Barja, P.S.-Bihiya, District-Bhojpur (Ara), Bihar.
 51. Shailendra Kumar, son of Ram Jeevan Ray resident of village-Dalishman Chak, P.O. and P.S.-Barh, District-Patna.
 52. Ajay Kumar, son of Sri Bhola Nath Singh, resident of village-Mungila, P.O.-Shankarpur, Imamganj, P.S.-Khiori More (Paliganj), District-Patna.
 53. Santosh Kumar, son of Late Kashi Ram, resident of village-Newan, P.O.-Dihari, P.S.-Pipra, District-Patna.
 54. Raj Kumar, son of Sudeshwar Prasad, resident of village and P.O.-Chiraura, P.S.-Naubatpur, District-Patna.
 55. Pramod Kumar, son of Sri Ram Chaudhary, resident of village and P.O.-Chauramanpur, P.S. and District-Buxar.
 56. Munna Singh, son of Ram Jeevan Singh, resident of village-Narayanpur, P.O.-Nashratpur, P.S.-Sandesh, District-Bhojpur (Ara).
 57. Arvind Kumar Yadav, son of Goutam Yadav, resident of village-Mishrauli, P.O.-Bhore, P.S.- Bhore, District-Gopalganj.
 58. Dharmendra Kumar, son of Late Ramjanam Prasad, resident of village-Kandgopi Tola Kukurbhuka, P.O.-Budhya, Hathua, P.S.-Mirganj, District-Gopalganj.
 59. Navneet Kumar, son of Nand Kishor, resident of village-Amwam, P.O.-Mahjpuar, P.S.-Bikram, District-Patna.
 60. Vijay Kumar, son of Ram Babu Yadav, resident of village-Mahuabag, P.O.-Sahay Nagar, P.S.-Rupaspur, District-Patna.
 61. Pankaj Kumar Singh, son of Bindu Bhushan Singh, resident of village-Koshkipur, Baghmara, P.O.-A.G. Bazar, P.S.-Kursela, District-Katihar.
 62. Santosh Kumar Yadav, son of Devi Prasad Yadav, resident of village-Raja Para (Bishari Talla), P.O.-Pakar, P.S.-Pakur, (Jharkhand).
 63. Kapish Kumar, son of Late Avadh Lal, resident of village- Milkichak, P.O.-



Janki Nagar, P.S.-Naya Ram Nagar, District-Munger.

64. Kamlesh, son of Sri Anil Kumar, resident of village and P.O.-Madaush, P.S.-Sirari, District-Sheikhpura.
65. Santosh Kumar son of Sri Nageshwar Prasad, resident of village-Adalchak, P.O.- Hasadih, P.S.- Masaudhi, District-Patna.
66. Dharmendra Kumar, son of Late Lakhan Singh, resident of village and P.O.-Khutaha Dih, P.S.-Badhya , District-Lakhisarai.
67. Pankaj Kumar, son of late Mahendra Prasad Yadav, resident of village-Sitakund Bih, P.O.-Dariyapur, P.S.-Muffasil, District-Munger
68. Pandav Mahto, son of Sri Anandi Mahto, resident of village-Bhawanandpur, P.O.-Panapur, P.S.-Parwata, District-Begusarai.
69. Sarvesh Kumar, son of Sri Narayan Rai, resident of village and P.O.-Kawela, Nisarpura, P.S.-Bihta, District-Patna.
70. Anil Mahto, son of Late Shivdatt Mahto, resident of village-Mahuar, P.O.-Ekbalganj, Nisarpura, P.S.-Bihta, District-Patna.
71. Ritesh Tiwari, son of Sri Narayan Tiwari, resident of village and P.O.-Barishwan, P.S.-Shahpur, District-Bhojpur (Ara).
72. Shiv Bali Singh, son of Sri Nand Kishor Singh, resident of village-Chotaki Hardiya, P.O.-Hardiya, P.S.-Jagdhpur, District-Bhojpur (Ara).
73. Dharmendra Prasad, son of Vishwanath Ram, resident of village and P.O.-Kajhain, P.S.-Bikramgaj, District-Rohtas.
74. Ajay Kumar Singh, son of Sri Ramganesch Singh, resident of villageand P.O.-Jamauli, P.S.-Rajpur, District-Buxar.
75. Talib Hussain Khan, son of Abdul Matlib Khan, resident of villageand P.O.-Lahwar, P.S.-Keotiranway , District-Darbhanga.
76. Pankaj Kumar Singh, son of Harinarayan Singh, resident of AT- Chamrahra, P.O. and P.S.-Mahnar (R.S.), District-Vaishali
77. Vinod Kumar Singh, son of Devdat Prasad Singh, resident of village and P.O.and P.S.- Saraiya, District-Muzaffarpur.
78. Ashok Kumar Singh, son of Singheshwar Singh, resident of village-Kasama, P.O.-kasama Marar, P.S.-Khajauli, District-Madhubani
79. Hiranman Yadav, son of Late Ram Swaroop Yadav, resident of village-Salaiya Kala Tola Raja Ram Chak, P.O. and P.S.-Fatehpur, District- Gaya.
80. Dilip Kumar, son of Shambhu Nath Singh, resident of village-New Rampur, P.O.-Sherpur, P.S.-Maner, District- Patna.
81. Kush Kumar, son of Bharat Ray, resident of village and P.O.- Nonhar, P.S.-Surajpura, District- Rohtas.
82. Pintu Kumar, son of Lakhan Sah, resident of Bahadurpur Housing Colony, Janta Flat, E-R-222, P.O.-TV Tower, BHC, P.S.-Agamkuan, District-Patna.
83. Bipin Kumar, son of Sri Parmeshwar Yadav, resident of villageand P.O.-Bishwambhar Chak, P.S.-Amarpur, District-Banka
84. Sunil Kumar Yadav, son of Mahendra Prasad Yadav, resident of village-Sihuri, P.O. and P.S.-Amarpur, District- Banka.



85. Sanjeev Kumar, son of Singhiwar Mehta, resident of village and P.O.- Sasurai, P.S.-Jankinagar, District-Purnia.
86. Kaushar Ali, son of Islam Ahmad, resident of village and P.O. and P.S.- Chainpur (Kasba), District-Kaimur, Bhabhua.
87. Suraj Kumar Limbu, son of Vir Kumar Limbu, resident of village-Police Line, P.O. and P.S.-K.Hat, District- Purnia.
88. Sanjeev Kumar Jaiswal, son of Naresh Jaiswal, resident of village- Parbatta, P.S.-Ismailpur, District- Bhagalpur.
89. Sanjay Kumar, son of Bishwanath Singh, resident of Mohalla- Rajeev Nagar, Road No.6, P.O. and P.S.-, District- Patna.
90. Satyendra Kumar, son of Ramsarekh Ram, resident of village and P.O.- Baurhi, P.S.-Dhanarua, District-Patna.
91. Arjun Kumar son of Late Ramadhar Singh, resident of village and P.O.- Baurhi, P.S.-Dhanarua, District-Patna.
92. Ravikant Kumar son of Shyam Sundar Prasad, resident of village and P.O. and P.S.-Giriyak, District- Nalanda.
93. Krishna Prasad son of Yadunandan Prasad, resident of village-Dina Bigha, P.O.-Ichahos, P.S.-Islampur, District -Nalanda.
94. Santosh Kumar son of Ramakbal Singh, resident of village- Yamunapur, P.O.-Amhra, P.S.-Bihta, District-Patna.
95. Jyoti Kumar Sharma son of Dudheshwar Rai, resident of village and P.O.- Hasanpur Pipra, P.S. and District- Arwal.
96. Jitendra Kumar son of Rameshwar Singh, resident of village- Bandeli Bigha, P.O.-Parsadi English, P.S. and District- Arwal.
97. Gyandev Kumar son of Narayan Prasad Singh, resident of village and P.O.- Inai, P.S.-Baheri, District- Darbhanga.
98. Manoj Kumar, son of Late Bake Bihari Singh, resident of village and P.O.- Adwan, P.S.-Wajirganj, District- Gaya.
99. Pitambar Kumar, son of Rajendra Manjhi, resident of village -Jhirva, P.O.- Chutiya, P.S. and District- Banka.
- 100 Jitendra Kumar, son of Nand Kishor Yadav, resident of village- Bihta, P.O.- Mandan, P.S. and District- Sheikhpura.
- 101 Md. Ajmal Khan, son of Md. Nazamyudin Khan, resident of village and P.O.-Palatpura, P.S.- Manpur, District- Nalanda.
- 102 Manoranjan Kumar, son of Late Waleshwar Singh, resident of village- Surumpur, P.O. and P.S.-Silav, District- Nalanda.
- 103 Shiv Mohan Singh, son of Ramakant Singh, resident of village- Aslan, P.O.- Bagwan, P.S.-Garhani, District -Bhojpur (Ara).
- 104 Rajesh Kumar Singh, son of Ramjivan Singh, Resident of village- Narayanpur, P.O.-Nasratpur, P.S.-Sandesh, District- Bhojpur (Ara).
- 105 Ajit Kumar Yadav, son of Yogendra Prasad Yadav, resident of village-Baja, P.O.-Ramchandrapur Ithari, P.S.-Amarpur, District-Banka.
- 106 Virbahadur Singh, son of Rambachan Singh, resident of village -Leruan,



- . P.O.-Kanchanpur, P.S.-Sasaram, District-Rohtas.
- 107 Tej Prakash Upadhyay, son of Ram Kumar Upadhyay, resident of village and
. P.O.- Sadaveh, P.S.-Dulhin Bazar, District- Patna.
- 108 Pintu Kumar, son of Late Achyutanand Singh, resident of village and P.O.-
. Shivkund, P.S.- Dharhara, District-Munger.
- 109 Amarkant Jha, son of Sukhdeo Jha, resident of village- Mahurrtan, P.O.-
. Barohania, P.S.-Sangrampur, District-Munger.
- 110 Santosh Kumar, son of Raghuvir Yadav, resident of village- Hasangun, P.O.-
. Sifabad, P.S.- Kasimbagar, District-Munger.
111. Jaisiyaram Yadav, son of Arjun Yadav, resident of village and P.O.and P.S.-
Khajoli, District- Madhubani.
- 112 Santosh Kumar Sinha, son of Late Bindeshwar Prasad Sinha, resident of
. village- Patila, P.O.-Chatra, P.S.-Kopa, District- Chapra (Saran).
- 113 Mahesh Prasad Singh, son of Ram Prasad Singh, resident of village and
. P.O.-Suki, P.S.-Khajoli, District- Madhubani.
- 114 Upendra Kumar Mandal, son of Tarni Mandal, resident of village Lailakh,
. P.S.-Sabour, District- Bhagalpur.
- 115 Kailash Prasad Singh, son of Chhedi Prasad Singh, resident of village -
. Harhath Chak, P.S.-Gopalpur, District- Bhagalpur.
- 116 Jai Jairam Kumar, son of Bhupi Yadav, resident of village and P.O.-Mathahi,
. P.S. and District- Madhupura.
- 117 Mirtunjay Kumar Tiwari, son of Deo Kumar Tiwari, resident of village-
. Balmiki Nagar (Godhana Road), P.S.-Nawada (Ara), District- Bhojpur
(Ara).
- 118 Santosh Kumar, son of Lalan Singh, Resident of village- Khorahara, P.S.-
. Ramgadh, District- Kaimur.
- 119 Binay Prakash, son of Indradev Prasad Singh, resident of village -Kathatar,
. P.S.- Rajpur, District- Buxar.
- 120 Sachit Kumar, son of Late Sri Koko Prasad Yadav, resident of village
. -Matiahi, P.S. and District- Madhepura.
- 121 Kaushal Kumar Ram, son of Shree Yugal Ram, resident of village -Sirsa,
. Camp, P.S.- Muffasil, District- Katihar.
- 122 Navin Kumar Rajak, son of Ramdev Rajak, resident of village- Parwata,
. P.O.-Saho Parwata, P.S.-Ismailpur, District- Bhagalpur.
- 123 Sushil Kumar Mandal, son of Bishnudev Mandal, resident of village and
. P.O.-Sadhua, P.S.-Rangra OP, District- Bhagalpur
- 124 Rajesh Kumar son of Shivnath Singh, resident of At and P.O.-Babhnaul,
. P.S.-Davath, District- Rohtas.
- 125 Sanjay Kumar, son of Bachan Singh, resident of village -Samai, P.S.-
. Muffasil Nawada, District- Nawada.
- 126 Manish Kumar Chaudhary, son of Mahendra Chaudhary, resident of At and
. P.O. and P.S.-Khajoli, District- Madhubani.
- 127 Jalandhar Paswan, son of Jamuna Paswan, Resident of village Keshopur,



- . P.O. and P.S.-Telhara, District- Nalanda.
- 128 Md. Karim Azad, son of Md. Ainul Haque, resident of village - Karja, P.O.-
. Umrawganj, P.S.-Bihiya, District- Bhojpur.
- 129 Md. Aklakh Khan, son of md. Akbal Khan, resident of village and P.O.-
. Akhini, P.S.-Noan, District -Kaimur (Bhabhua).
- 130 Nandu Paswan, son of Ramgati Ram, resident of village Jina Tola Dhus,
. P.O.and P.S.-Nasriganj, District- Rohtas.
- 131 Birendra Kumar Tiwari, son of Birendra Kumar Tiwari, resident of village -
. Chamariawan, P.O.-Mio, P.S.-Belawn, District- Kaimur.
- 132 Rajesh Kumar Yadav, son of Ramishwar Ray, resident of village and P.O.and
. P.S.-Hekma, District- Chapra (Saran).
- 133 Binod Kumar, son of Ramishwar Mistri, resident of village and P.O.-
. Sikandarpur, P.S.-Shakurabad, District- Jehanabad.
- 134 Anuj Kumar, son of Baleshwar Singh, resident of village Mokam Bigha,
. P.O.-Atiyama, P.S.-Ghoshi, District- Jehanabad.
- 135 Rakesh Kumar, son of Late Jayram Prasad, resident of village and P.O.-
. Kapsiyawan, P.S.- Hilsa, District- Nalanda.
- 136 Uday Kumar, son of Radhe Prasad, resident of village Santan Bigha, P.O.-
. Bansdih, P.S.-Thartari, District- Nalanda.
- 137 Dinkar Kumar, son of Late Sudheshwar Yadav, resident of village Bariyahi
. Basti, P.O.-Rahua Mani, P.S.-Bangaon, District-Saharsa.
- 138 Ram Padarath Mishra, son of Late Mahesh Kant Mishra, resident of village
. and P.O.-Kanthudih, P.S.- Bahera, District- Darbhanga.
- 139 Pankaj Kumar, son of Late Bishwanath Yadav, resident of village and P.O.-
. Tuniyahi, P.S. and District- Madhepura.
- 140 Jagdish Kumar, son of Chaitu Das, resident of village Kasnraini, P.O.-
. Shonhan, P.S.-Kewti, District- Darbhanga.
- 141 Sarvesh Kumar Yadav, son of Sri Chunni Prasad Yadav, resident of village
. Gosaidaspur, P.O.-Champbhagar. P.S.-Nathnagar, District-Bhagalpur.
- 142 Lalan Kumar, son of Late Jaikishun Yadav, resident of village -Madhuban,
. P.O.-Khamauti, P.S.-Simri Bakhatiyarpur, District- Saharsa.
- 143 Suresh Mandal, son of Maheshwar Mandal, resident of village - Ujan, P.O.-
. Lohna Road, P.S.-Sakatpur, District -Darbhanga.
- 144 Praveen Kumar Rai, son of Upendra Nath Rai, resident of At and P.O.-
. Chunni, P.S.-Buxar Muffasil, District- Buxar.
- 145 Sartaj Khan, son of Late Hafiz Khan, resident of village and P.O.- Usia, P.S.-
. Dildar Nagar, District- Gazipur (U.P.)
- 146 Neel Kusum Kumar, son of Shriram Prasad, resident of village and P.O.-
. Dahiwar, P.S.-Industrial Buxar, District- Buxar.
- 147 Shoaib Khan, son of Shahabuddin Khan, resident of village - Chatakoni,
. P.O. and P.S.-Dildar Nagar, District- Gazipur (U.P.).
- 148 Jamwant Singh Yadav, son of Late Sarvjeet Singh Yadav , resident of village
. -Tajpur Kurra, P.O.and P.S.-Dildar Nagar, District- Gazipur (U.P.).



- 149 Premchandra Singh, son of Late Mahendra Singh, resident of village -
. Admapur, P.O.- Karwandya, P.S.-Sasaram, District- Rohtas.
- 150 Pramod Kumar, son of Devendra Ray, resident of village Bhikhanpura, P.O.-
. Bhatauliya, P.S.-Desari, District- Vaishali.
- 151 Amarjit Singh Yadav, son of Gopal Singh Yadav, resident of village and P.O.
. Darauli, P.S.-Zamania, District- Gazipur (U.P.).
- 152 Satish Chandra, son of Sevant Paswan, resident of village Sherghati
. Chakpar, P.O. and P.S.- Sherghati, District- Gaya.
- 153 Bipin Kumar, son of Ramjeevan Ray, resident of village Dalishman Chak,
. P.O. and P.S.-Barh, District- Patna.
- 154 Rajeshwar Kumar, son of Pundev Prasad, resident of village - Jaisinghpur,
. P.O.- Khairiwa, P.S.- Turkwliya, District-East Champaran.
- 155 Dayashankar Kumar Singh, son of Sri Ramjaman Singh resident of village
. and P.O.- Ganga Pipar, P.S.- Chiraiya, District- Motihari.
- 156 Amrendra Kumar son of Shree Deonandan Prasad, resident of village
. Mojahidpur, P.O. and P.S.-Akangar Saray, District- Nalanda.
- 157 Naresh Kumar Chaudhary, son of Ram Pratap Chaudhary, resident of village
. and P.O. -Jandaha, P.S.-Ramgarh, District- Kaimur (Bhabhua).
- 158 Santosh Kumar Singh, son of Parmatama Singh , resident of village and
. P.O.-Pajrawan, P.S.-Nuan, District- Kaimur.
- 159 Raju Paswan, son of Sukar Paswan, resident of village Bhopatpur Pasauli,
. P.O.-Pasauli, P.S.- Durgawati, District-Kaimur (Bhabhua).
- 160 Vijay Kumar Singh, son of Sukhraj Singh, resident of village and P.O.-
. Sondhila, P.S.-Muffasil Buxar, District- Buxar.
- 161 Shivji Rajak, son of Puna Rajak, resident of village Bhawani Bigha, P.O.-
. Puraini, P.S.- Muffasil Nawada, District-Nawada.
- 162 Dharmendra Kumar Shah, son of Narayan Prasad Sah, resident of village
. and P.O. and P.S.- Amarpur, District- Banka.
- 163 Kamlesh Kumar, son of Satyendra Singh, resident of village - Bandhua,
. P.O.- Sohepur, P.S.- Muffasil, District- Gaya.
- 164 Shyam Mohan Singh, son of Sakaldeep Singh, resident of village and P.O.-
. Kharaon Kalan, P.S.- Sahar, District- Bhojpur.
- 165 Praveen Kumar, son of Ramashray Prasad, resident of At Khudai Toal
. Beldari, P.O.-Hemara, P.S.-Khizersarai, District- Gaya.
- 166 Pankaj Kumar, son of Late Sri Shyam Sunda Singh, resident of village -
. Bagobar, P.O. and P.S.-Hisua, District- Mawada.
- 167 Arvind Kumar Sharma, son of Late Gopal Sharma, resident of village and
. P.O.-Ner, P.S.-Makdumpur, District- Jehanabad.
- 168 Dhananjay Kumar, son of Rambahadur Singh, resident of At and P.O.-
. Kapasya, P.S.-Paraya, District- Gaya.
- 169 Chunu Kumar Singh, son of Devendra Prasad Singh, resident of village
. -Dhodhri, P.S.-Bhratu, District- Jehanabad.
- 170 Rakesh Kumar, son of Ram Vinay Sharma, resident of ALAF-6, Block-8,



- . Housing Colony, Bhootnath Road, Sampatchak, P.O.-Lohiya Nagar, P.S.- Agamkuan, District- Patna.
- 171 Mukesh Kumar Yadav, son of Shaligram Yadav, resident at -Belutikar, P.O.- Jogdiha, P.S.and District- Banka.
- 172 Brajesh Kumar Singh, son of Baban Singh, resident of village and P.O.- Saranja, P.S.-Rajpur, District- Buxar.
- 173 Surendra Kumar Singh, son of Ram Kumar Singh, resident of village - Narayanpur, P.O.- Nashratpur, P.S.-Sandesh, District -Bhojpur (Ara).
- 174 Ranjan Kumar, son of Rajendra Singh, resident of village Diha, P.O.- Baraini, P.S.-Belaganj, District- Gaya.
- 175 Shahrujama, son of Abdul Kudus, resident of village- Kabrasthan Nagar, Chanauti, P.O. and P.S.-Bara, District-Gaya.
- 176 Pradeep Kumar Singh, son of Sri Ram Prvitar Singh, resident of village Ekwana, P.O. and P.S.-Barahara, District- Bhojpur (Ara).
- 177 Chanchal Kumar Ram, son of Sri Yadu Ram, resident of village- Jaynagara , P.S.- Tliauthu, District- Rohtas.
- 178 Sanjay Kumar, son of Rajkishor Singh, resident at Garha, P.O.- Asni, P.S.- Udwant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

- 1. The State of Bihar Through the Principal Secretary, Department of Home, Government of Bihar, Patna.
- 2. The Principal Secretary, General Administration Department, Government of Bihar.
- 3. The Director General of Police, Bihar, Patna.
- 4. The Additional Director General of Police Head Quarter, Bihar, Patna.
- 5. The Inspector General of Police, Rail, Bihar, Patna.
- 6. The Inspector General of Police, Patna Zone, Patna.
- 7. The Inspector General of Police, Bhagalpur Zone, Bhagalpur.
- 8. The Inspector General of Police, Tirhut Zone, Muzaffarpur.
- 9. The Inspector General of Police, Darbhanga Zone, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri, Sr. Advocate Mr. Pranav Kumar, Advocate Ms. Shrishti Singh, Advocate
For the Respondent/s	:	Mr. Md. Irshad, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
CAV JUDGMENT
Date : 16-05-2024



1. The Petitioners are contractual Drivers-Constables, working under Home (Police) Department since the year 2011. They have filed the instant Writ Petition for the following reliefs:-

“i) To issue an appropriate writ/order/direction in the nature of certiorari for quashing the order bearing memo no. 106 dated 15.06.2021 issued under the signature of Assistant (Welfare) of Director General of Police, Bihar whereunder a decision was taken to end the services of contractual Driver, constables and in any event after 31.07.2021 they will be not paid any remuneration with a direction to serve a one month notice upon the Petitioners in terms of Clause-9 of the agreement. (Annexure-19).

ii) To issue an appropriate writ/order/direction in the nature of certiorari for quashing the order bearing memo no. 1353 dated 19.06.2021 issued under the signature of Superintendent of Police, Begusarai wherein the services of Petitioner no. 60 namely Vijay Kumar contractual Driver no. 5499 is being terminated in terms of Clause 9 of the agreement from one month after receiving



the letter dated 19.06.2021 and similar termination letters issued to the other Petitioners by the Superintendent of Police of other districts in view of the letter no. 106 dated 15.06.2021 issued from the office of the Director General of Police (Annexure-20).

iii) To issue an appropriate writ/order/direction in the nature of mandamus commanding the Respondents to regularize the service of the Petitioners who were appointed on the post of Sepoy Driver on the basis of the representation dated 12.10.2018 before the Respondents in compliance of the direction made in the order dated 06.09.2017 passed in CWJC No. 16505 of 2014 as well as in LPA No. 1648 of 2017 in its order dated 17.04.2018.

iv) To issue an appropriate writ/order/direction in the nature of mandamus commanding the Respondents to allow the Petitioners to continue on the post of Sepoy Driver on contractual till their age of retirement i.e. 60 years against the vacant sanctioned post of Driver in the police department.

v) To issue an appropriate writ/order/direction in the nature of mandamus commanding the Respondents



not to implement the order bearing memo no. 106 dated 15.06.2021 issued under the signature of Assistant (Welfare) of Director General of Police, Bihar and allowed to be continued on the post of Sepoy Driver till the pendency of the main writ application.

vi) To any other relief or reliefs for which the Petitioners are entitled.”

2. By Notification No. 3390, dated 30th July, 2010, a Selection Committee was constituted for appointment of Sepoy Driver against 610 vacant posts in Bihar Police on contractual basis. Subsequently, on 30th August, 2010, an advertisement was published in the Daily Newspaper “Danik Jagran” by the Director General of Police, Bihar, Patna for appointment of 610 vacant sanctioned posts of Sepoy Driver. In the said advertisement, the essential qualification was prescribed as 10th pass at Clause 1(ii) and the candidates should have driving license of heavy motor vehicle/light motor vehicle issued at least two years prior to the publication of the advertisement, prescribed at Clause (1) (iii). Clause 1 (iv) of the said advertisement detailed out the number of general category and reserved category vacancies in terms of the roster prescribed in letter No. 4184, dated 20th of May, 2010, issued by Home (Police) Department, Bihar, Patna. The Petitioners applied for



the said posts and according to merit, they were appointed as Sepoy Driver on contractual basis for eleven months.

3. It is pertinent to mention here that the Petitioners were initially selected for 11 months and at the time of their appointment they had to execute an agreement with the Home (Police) Department.

4. Subsequently, the contractual period of the service of the Petitioners were enhanced time to time by Home (Police) Department *vide* Memo Nos. 1421, dated 26th April 2011; 2480, dated 7th June, 2013; and also subsequently till 2021.

5. It is alleged by the Petitioners that some of them in their representative capacity submitted representation for regularization of their services before the Director General of Police, Bihar and the Home Secretary, being the competent authorities, for consideration of their case. However, the Home (Police) Department, State of Bihar issued a letter, bearing Memo No. 1399, dated 19th February, 2014 to the Accountant General, Bihar, mentioning therein, that there is need of more posts of Sepoy-Driver and Havaldar in view of Rule 1185(A) of the Bihar Police Manual. Accordingly, a total number of 3031 posts, including 2410 posts of Sepoy Driver, were created. Subsequently, on 21st April, 2014, the Home (Police)



Department issued a notification, whereby and whereunder, Rule 1186 of Bihar Police Manual was amended in exercise of the power under Section 55 of the Bihar Police Act, 2007. A proviso was added in Rule 1186 (ka) (i) (gha) prescribing a relaxation of five years in the upper age limit for appointment to the post of Sepoy Drivers, who have been working on contract basis. By the same amendment, the academic qualification for the post of Sepoy Driver was amended and previous academic qualification of Class 10th pass was replaced by the qualification of Intermediate pass or equivalent. By virtue of the said memo, some other amendments regarding efficiency test etc. were also amended but the said amendments are not relevant for our purpose.

6. It is also stated that the Drivers appointed on contractual basis in the Police organization would get two additional marks for each year against experience, subject to the maximum weightage of five marks. Further case of the Petitioners is that the Home (Police) Department issued a notification bearing Memo No. 5344, dated 15th July, 2011 also, amending the provision of Bihar Police Manual, particularly Rule 1186 (ka) by fixing lower and upper age limit which is supposed to be effective till 31st December, 2015. It also



prescribes the essential educational qualification as 10th pass or equivalent. The learned senior Advocate for the Petitioners contends that the amended academic qualification as per the Memo No. 233, dated 21st April, 2014 cannot be made applicable retrospectively with respect to the Petitioners. The Respondents ought to have appointed against the vacancies existing before the year 2014 on the basis of the earlier qualification prescribed with regard to the appointment of the Sepoy Driver in the Police Department. The amended academic qualification of Intermediate pass or equivalent may be made operative prospectively from the date of amendment of Rule 1186 of Bihar Police Manual.

7. Being aggrieved by the said notification, some of the Petitioners filed a Writ Petition bearing C.W.J.C. No. 16505 of 2014 for regularization of their services to the post of Sepoy Driver by constituting a Selection Board against the sanctioned vacant post. However, the said Writ Petition was dismissed by the learned Single Judge vide order dated 6th September, 2017. The Petitioners preferred an appeal against the said order passed by the Writ Court which was registered as LPA No. 1648 of 2017 and the said appeal was also dismissed. While dismissing the Writ Petition, however, the Writ Court gave liberty to the



Writ Petitioners to represent their case before the Respondents for regularization and the same was left open for consideration by the State respondent in accordance with law. In compliance of the aforesaid liberty given to the Petitioners by the Writ Court, they filed a detailed representation before the Additional Secretary, Home Department on 12th October, 2018 for regularization of the post of Sepoy Driver. The respondent authority did not take any final decision over the said representation filed by the Petitioners. In the meantime, services of the Petitioners were extended vide a letter dated 29th December, 2017 till 31st August, 2018. The Petitioners also state that on 9th October, 2018, the Additional Secretary, Home (Police) Department submitted an application vide Memo No. 8840 before the Members Secretary, High Level Committee, General Administrative Department for considering the case of the Petitioners for regularization, considering the fact that the Petitioners are continuously working in the post of Sepoy Driver since 2011. Subsequently, on the recommendation made by High Level Committee, constituted for regularization of contractual employees working in different departments, the case of the Petitioners were also taken up and it was disposed of holding, inter alia, that the process of regular appointment has



been initiated, upon which the committee did not make any recommendation with respect to the present Petitioners. However, the High Power Committee did not consider that in the subsequent selection process, educational qualification and eligibility criteria were changed and it was not brought to the notice of High Level Committee that due to the change of the educational qualification and eligibility criteria, the Petitioners would automatically be debarred from appearing in the selection test. While the Petitioners were debarred from being regularized, their service was extended with a Memo No. 1181 dated 5th February, 2019 from 1st July, 2018 till the regular appointment to the post of Sepoy Driver is being completed. Subsequently, a memorandum bearing No. 106, dated 15th June, 2021 was issued from the office of the IG, Budget/Appeal/Welfare, whereunder a decision was taken to end the services of contractual Driver/Constables on and from 31st July, 2021. Accordingly, some of the Petitioners were served with termination letters. Hence, the instant writ.

8. Mr. Y. V. Giri, learned Senior Counsel on behalf of the Petitioners submits that the Petitioners were among the 610 Sepoy Drivers who were appointed in the year 2011 on the basis of the Rule formulated vide a Memo No. 3390, dated 30th July,



2010 by the Director General of Police, Bihar. The Rule prescribed the essential academic qualification and other requirements for being eligible to appear to the post of Sepoy Drivers on contractual basis. On the basis of the said academic qualification, the Petitioners submitted their applications; appeared in the selection test; and were selected for employment on contractual basis. They have been working continuously from the year 2011 to 2021 or till date under the Home (Police) Department.

9. It is further submitted by the learned Senior Counsel appearing on behalf of the Petitioners that the Petitioners got employed, following the regular procedure on the basis of a competitive selection process and, therefore, their appointment cannot be considered as irregular or backdoor appointment. They have been working continuously for more than 10 years under the Police Department. On the date of their appointment, they had their requisite academic and other qualifications. They served the Police Department as permanent employees and their appointment cannot be considered as irregular, fortuitous or backdoor appointment. Moreover, they were appointed on duly sanctioned vacant posts. Therefore, the decision of the Hon'ble Supreme Court in the case of



Secretary, State of Karnataka & Ors., Uma Devi (3) & Ors., reported in **(2006) 4 SSC 1**, is squarely applicable. It is observed by the Hon'ble Supreme Court in *Uma Devi (3)* (supra) that there may be cases where irregular appointments (not illegal appointments) of duly qualified persons in duly sanctioned vacant post might have been made and employees have continued to work for 10 years or more but without intervention of orders of the Courts or of Tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by the Hon'ble Supreme Court in the light of *Uma Devi* (supra).

10. The Petitioners were appointed on sanctioned vacant posts on the basis of duly framed Rules by Director General of Police, Bihar on 30th July, 2010 and their appointments cannot be held to be illegal appointments.

11. The learned Senior Counsel on behalf of the Petitioners relies on *Narendra Kumar Tiwari & Ors. v. State of Jharkhand & Ors.*, reported in **(2018) 8 SSC 238**, wherein *Uma Devi (3)* (supra) was considered and approved.

12. In *Sheo Narain Nagar & Ors. v. State of Uttar Pradesh & Anr.*, reported in **(2018) 13 SSC 432**, the appellants, whose services were terminated in the year 2014 in view of the



findings recorded by the High Court vide order dated 27th October, 2014, while dealing with the case of the appellants for regularization that their appointments were illegal and not an irregular one, moved before the Hon'ble Supreme Court. The Hon'ble Supreme Court on due consideration of the facts of the case and the decision in ***Uma Devi (3)*** (supra) was pleased to hold as hereunder:-

“8. Coming to the facts of the instant case, there was a direction issued way back in the year 1999, to consider the regularisation of the appellants. However, regularisation was not done. The respondents chose to give minimum of the pay scale, which was available to the regular employees, way back in the year 2000 and by passing an order, the appellants were also conferred temporary status in the year 2006, with retrospective effect on 2-10-2002. As the respondents have themselves chosen to confer a temporary status to the employees, as such there was requirement at work and posts were also available at the particular point of time when order was passed. Thus, the submission raised by the learned counsel for the respondent that posts were not available, is belied by their own action.



Obviously, the order was passed considering the long period of services rendered by the appellants, which were taken on exploitative terms.

9. The High Court dismissed the writ application relying on the decision in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] . But the appellants were employed basically in the year 1993; they had rendered service for three years, when they were offered the service on contract basis; it was not the case of back door entry; and there were no Rules in place for offering such kind of appointment. Thus, the appointment could not be said to be illegal and in contravention of Rules, as there were no such Rules available at the relevant point of time, when their temporary status was conferred w.e.f. 2-10-2002. The appellants were required to be appointed on regular basis as a one-time measure, as laid down in para 53 of Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] . Since the appellants had completed 10 years of service and temporary status had been given by the respondents with retrospective effect from 2-10-2002, we direct that the services of



the appellants be regularised from the said date i.e. 2-10-2002, consequential benefits and the arrears of pay also to be paid to the appellants within a period of three months from today.

10. Impugned judgment and order [Sheo Narain Nagar v. State of U.P., 2014 SCC OnLine All 16492] and also order terminating the services are hereby quashed. The appeal is, accordingly, allowed. Pending application, stands disposed of.”

13. Learned Advocate on behalf of the Respondents, on the other hand, refers to the decision of this Court in the similar matter passed in **C.W.J.C. No. 16505/ 2014, Hiranman Yadav & Ors. v. State of Bihar & Ors., dated 6th September, 2017**, this Court in the aforesaid judgment in paragraph no. 10 held as hereunder:-

“10. It is also clear that amendment prescribing minimum educational and other qualifications for appointment on the post of Sepoy Driver was brought about in the year 2014 and the advertisement for appointment on the aforesaid post was issued in the year 2016 vide advertisement no. 1 of 2016. After issuance of advertisement for appointment on the post of Sepoy Driver, the



Department is not legally permissible to make any corrections or alteration in the qualification with regard to the educational qualification and other qualification of the candidates, but, before issuance of any advertisement for appointment the Government can alter or amend the rule with regard to eligibility of a candidate for appointment on any post to be filled-up in pursuance of any advertisement to be issued. In the case of Y.V. Rangaiah & Ors.(A.I.R. 1983 S.C., 852)(supra),the fact of the case was that Rule 5 of the Andhra Pradesh Registration and Subordinate Service Rules was amended in the year 1977 dealing with the transfer and promotion to the post of Sub-Registrar, Grade II, and it was held that the amendment was brought in the year 1977 and, therefore, the promotion with regard to the vacancy occurring prior to the amendment of 1977 shall be filled-up with old Rules. The aforesaid rules deal with the transfer and promotion of the persons appointed in the Registration Department not with regard to fresh appointment on that post in the case of Maya Mathew(2010)4 S.C.C., 498(supra)which was also with regard to appointment in a cadre from different



source and the facts of the case is also quite different. In the case of Union of India & Ors.(2012) XIII S.C.C., 320(supra), it relates to declaration of seniority of direct recruits vis-à-vis promotees and the ratio of the case is also not helpful to the case of the petitioners.”

14. The learned Advocate for the Respondents also refers to an unreported decision of the Hon'ble Supreme Court in the case of ***State of Karnataka & Anr. v. Mangalore University Non-Teaching Employees Association & Ors.*** delivered on 28th of February, 2002.

15. On careful perusal of the said report, I find that the said judgment is not at all applicable under the facts and circumstances of this case.

16. It is contended by the learned Advocate on behalf of the Respondents that the academic and other qualifications for the recruitment to the post of Sepoy Drivers were amended w.e.f. 2014. Subsequent to amendment of the said rules, vacancy was declared and the posts of Sepoy Drivers are decided to be filled up permanently by selection process. If the contractual Drivers do not have the qualifications as per the subsequent notification of year 2014, they are not entitled to appear in the selection test.



17. At this stage, the question that arises for adjudication before this Court is as to whether a person appointed under a recruitment rule can be subjected to subsequently amended recruitment rule, whereby he is debarred from appearing in the selection test due to subsequent change of academic and other qualifications.

18. During 2011, Rule 1186 of Bihar Police Manual prescribed academic qualification for the post of Sepoy Driver as 10th pass or equivalent and the contractual employees were appointed against 610 sanctioned vacant posts on the basis of the academic and other qualifications stated in Rule 1186. The appointed Drivers were given training as provided in Clause (3) Appendix 88. Some of them even acted as trainers of training of Drivers under the name and style of Vajrawahan.

19. It is a settled principle of law that rule of appointment cannot be retrospective in operation.

20. In *A. A. Calton v. Director of Education & Anr.*, reported in (1983) 3 SSC 33, it is held by the Hon'ble Supreme Court in Paragraph 5:-

“5. It is true that the legislature may pass laws with retrospective effect subject to the recognized constitutional limitations. But



it is equally well settled that no retrospective effect should be given to any statutory provision so as to impair or take away an existing right, unless the Statute either expressly or by necessary implication directs that it should have such retrospective effect.”

21. In the instant case, the Police Manual spoke of academic qualification of Sepoy Driver. With such academic qualification, as stated in the Rule, the Petitioners were appointed. Now, by virtue of a subsequent rule made in the year 2014, the Petitioners cannot be said to be disqualified in accordance with the subsequent rule of recruitment.

22. The subsequent decision of the Hon’ble Supreme Court in ***Sree Sankaracharya University of Sanskrit & Ors. v. Dr. Manu & Anr.***, reported in ***2023 SCC online SC 640*** may also be relied on in this regard.

23. The decision of the Hon’ble Supreme Court, dated 30th January, 2024 in ***Vinod Kumar & Ors. v. Union of India & Ors., Civil Appeal Nos.-..... of 2024, arising out SLP(C) Nos. 22241- 42 of 2016***, is quoted below to come to the conclusion in respect of the issue in hand:-

“4. The appellants have approached this Court arguing that the High Court erred in its judgment by failing



to recognize the substantive nature of their duties, which align with regular employment rather than the temporary or scheme-based roles they were originally appointed for. Furthermore, their promotion by a regularly constituted Departmental Promotional Committee, the selection process they underwent, and the continuous nature of their service for over a quarter of a century underscored their argument for regularization and that the High Court has incorrectly applied the principles from the case of Uma Devi (supra) to their situation.

5. Having heard the arguments of both the sides, this Court believes that the essence of employment and the rights thereof cannot be merely determined by the initial terms of appointment when the actual course of employment has evolved significantly over time. The continuous service of the appellants in the capacities of regular employees, performing duties indistinguishable from those in permanent posts, and their selection through a process that mirrors that of regular recruitment, constitute a substantive departure from the temporary and scheme-specific nature of their initial engagement. Moreover, the appellants' promotion



process was conducted and overseen by a Departmental Promotional Committee and their sustained service for more than 25 years without any indication of the temporary nature of their roles being reaffirmed or the duration of such temporary engagement being specified, merits a reconsideration of their employment status.

6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of Uma Devi (supra).

7. The judgement in the case Uma Devi (supra) also distinguished between “irregular” and “illegal”



appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case. Paragraph 53 of the Uma Devi (supra) case is reproduced hereunder:

“53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa [(1967) 1 SCR 128 : AIR 1967 SC 1071], R.N. Nanjundappa [(1972) 1 SCC 409 : (1972) 2 SCR 799] and B.N. Nagarajan [(1979) 4 SCC 507 : 1980 SCC (L&S) 4 : (1979) 3 SCR 937] and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases



above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not subjudice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme.”

8. In light of the reasons recorded above, this Court finds merit in the appellants' arguments and holds that their service conditions, as evolved over time, warrant a reclassification from temporary to regular status. The failure to



recognize the substantive nature of their roles and their continuous service akin to permanent employees runs counter to the principles of equity, fairness, and the intent behind employment regulations.”

23. Relying of the above-stated principles laid down by the Hon'ble Supreme Court, the instant Writ Petition is allowed.

24. The Respondent Nos. 2, 3, 5 and 6 are directed to regularize the service of the Petitioners who were appointed on contractual basis in the year 2010 in the light of the observation made hereinabove with effect from 12th October, 2018.

25. The order bearing Memo No. 106, dated 15th of June 2021 issued by the Assistant (Welfare) Director General of Police, Bihar is quashed and set aside.

(Bibek Chaudhuri, J)

skm/-

AFR/NAFR	AFR
CAV DATE	07.05.2024
Uploading Date	16.05.2024
Transmission Date	N/A

