

ITEM NO.5

COURT NO.14

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 10207/2018

(Arising out of impugned final judgment and order dated 19-09-2017 in LPA No. 111/2017 passed by the High Court Of Jharkhand At Ranchi)

RAJENDRA BADAIAK

PETITIONER(S)

VERSUS

THE STATE OF JHARKHAND &amp; ORS.

RESPONDENT(S)

Date : 14-12-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Sanjeev Kr. Choudhary, Adv.  
Ms. Rinky Rani, Adv.  
Mr. Vijay Kumar, Adv.  
Mr. Swetank Shantanu, AOR

For Respondent(s) Mr. Arunabh Chowdhury, Sr. Adv & AAG  
Ms. Pragya Baghel, Adv  
Mr. Shantanu Sagar, AOR  
  
Mr. Saket Singh, Adv.  
Mrs. Niranjana Singh, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The petitioner undisputedly was working on adhoc basis and was appointed as a Night Watchman on 06.04.1985. As per the Resolution No. 5940 dated 18.06.1993, the Government came out with a scheme that such of the employees who have completed 240 days of regular

work on or before 01.08.1985 shall be considered for regularization subject to their over all suitability.

The complaint of the petitioner through out was that his name was included in the list of 31 employees who were considered for regularization, but because of duplicacy of one name, he was eliminated from being regularized on the post held by him.

Since the factual statement was not made clear, the petitioner travelled to this Court questioning the judgment of the High Court impugned in the instant proceedings.

In compliance of order of this Court, record has been placed for our perusal along with an affidavit and that indicates that the petitioner has not completed 240 days of regular work before 01.08.1985 in terms of Resolution No. 5940 dated 18.06.1993 of the Department of Personnel and Administrative Reforms, Bihar, Patna, and that was the reason for which his name was not included in the list of employees who were regularized by the Committee in terms of the Circular/Resolution dated 18.06.1993.

Learned Counsel for the petitioner has tried to justify that there are few employees who too according to him has not completed 240 days on or before 01.08.1985, still they have been regularized.

We do find that there are few employees in reference to which a complaint has been made, but one cannot claim negative discrimination qua the persons who have been erroneously granted the benefit of regularization under Articles 14 and 16 of the Constitution.

After we have heard learned Counsel for the parties, find no reason to interfere in our jurisdiction under Article 136 of the

**Constitution.**

**The Special Leave Petition is, accordingly, dismissed.**

**Pending application(s), if any, shall stand disposed of.**

**(POOJA SHARMA)  
COURT MASTER (SH)**

**(BEENA JOLLY)  
COURT MASTER (NSH)**