# Legal Case Summary

Case Title: State of Bihar vs Upendra Narayan Singh & Others

Citation: AIRONLINE 2009 SC 343

Date of Judgment: 20 March 2009

Bench: Justice G.S. Singhvi, Justice Markandey Katju

Author of Judgment: Justice G.S. Singhvi

## Parties Involved

Appellant: State of Bihar

Respondents: Upendra Narayan Singh & Others

## Background / Facts of the Case

The Government of Bihar had imposed a ban on ad hoc appointments via circulars in 1979 and 1982 due to large-scale violations of appointment rules. Despite the ban, appointments continued, especially in the Animal Husbandry Department. In 1991, several Class III and Class IV appointments were made illegally by Dr. Darogi Razak without advertisements or employment exchange requisitions. The respondents were appointed in October 1991. Complaints led to an enquiry and subsequent termination orders in 2001. Respondents challenged the terminations before the High Court, which quashed the orders and directed reinstatement.

## Legal Issues Raised

1. Whether the initial appointments were legal and valid under constitutional provisions.

2. Whether the High Court was justified in reinstating the respondents despite procedural violations in their appointment.

3. Whether equity and length of service can justify regularization of illegal appointments.

## Judgment / Decision

The Supreme Court held the initial appointments were illegal per se:  
- No advertisement or employment exchange requisition.  
- Violation of Articles 14 and 16 of the Constitution.  
- Appointments made in excess of sanctioned strength.  
The High Court erred by relying on earlier orders without verifying legality of appointments.  
Regularization claim was rejected as respondents failed to produce documents proving legal appointments.

## Final Order

Appeal allowed.

Supreme Court reversed the High Court decision.

Termination orders upheld, and reinstatement of respondents quashed.

## Case Timeline

• 27 Apr 1979: First circular banning ad hoc appointments

• 04 Jul 1987: Limited relaxation for Animal Husbandry Department

• 09-27 Oct 1991: Respondents appointed

• 16 Apr 1996: Letter issued to stop salaries

• 03 May 2001: Show-cause notices issued

• 23 May 2001: Services terminated

• 2001-2007: High Court proceedings and appeal

• 20 Mar 2009: Supreme Court judgment

## Relevant Legal Principles & Precedents

Constitution of India:

- Article 14: Equality before the law

- Article 16: Equal opportunity in public employment

Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959: Mandatory vacancy notification

Landmark Cases Cited:

- E.P. Royappa v. State of Tamil Nadu (1974)

- Secretary, State of Karnataka v. Uma Devi (2006)

- Delhi Development Horticulture Employees Union v. Delhi Administration (1992)

- State of Haryana v. Piara Singh (1992)

## Key Takeaways

- Illegal appointments, even if continued for long, cannot be regularized.

- Public employment must adhere to constitutional and statutory procedures.

- High Courts should not direct reinstatement without verifying legality of appointment.

- Sympathy and equity cannot override legal mandates and public interest.