

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.372 of 2015

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1. Govind Kumar Satyarthi son of sri Bhagwat Prasad Yadav, resident of Mohalla Shyampur, Post Wasudeopur, District Munger.
 2. Rajniti Prasad alias Rajniti Prasad, son of late Kailash Prasad Singh, resident of village Tilakpur, district Bhagalpur.
 3. Mukesh Kumar, son of Sri Ram Bilas Yadav, resident of village-Pokhariya, Post Danouli, Phulwariya, District Begusarai.
 4. Bablu Kumar son of Sri Ram Kelawan Mundal, resident of Mohalla Betban Bazar, near Panikal Quarter, District Munger.
 5. Mituhalesh Kumar, son of Sri Jay Prakash Yadav, resident of village Navtoliya, Post Vindbara, district Munger.
 6. Lalan Kumar Yadav, son of Ram Raksha, Prasad Yadav, resident of Village Pokhariya, post Phulwariya, District Begusarai.
 7. Satish Kumar Singh, son of Late Ratneshwar Prasad Singh, resident of village Budhama, Post Khara, District Madhepura.
 8. Shanichar Bind, son of Sri Bhola Bind, resident of Mohalla Jamalpur, District Munger.
 9. Bablu Kumar, son of Medani Prasad, resident of village Bichchi chanchar, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development Department, Government of Bihar, new Secretariat, Patna.
2. The Special Secretary to the Government Department of General Administration Government of Bihar main Secretariat Patna.
3. The Deputy Secretary to the Government, Urban Development Department, Patna.
4. The Joint Secretary, Urban Development Department, Government of Bihar, New Secretariat, Patna.
5. The District Magistrate, Munger.
6. The Nagar Nigam Munger through its Executive Officer, Munger.
7. The Executive Officer, Nagar Nigam, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Adv
For the Respondent/s : Mr. Ga13- Smt. Namrata Mishra

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 05-02-2015 Heard learned counsel for the parties.

While this Court will not find any reason to
interfere with the impugned order because if the post



itself was not advertised there would be no question of legality to such appointment, inasmuch as, others could not apply for the post and consequently, considered along with the petitioners.

There is finding of the authorities in these proceedings which have commenced from 2006, that the appointment of the petitioners were per se illegal.

In that view of the matter, this court is now not inclined to interfere with the impugned order specially when directions were complied in the letter and spirit.

As a matter of fact, the subsequent Division Bench also has noticed passing of such order on the ground of illegal appointment vide order dated 01.09.2014 passed in L.P.A No. 369 of 2014.

Thus, in view of the concluded finding of fact which is not capable of being contradicted on any authentic material, this Court will be satisfied that there would be now curtains on the claim of petitioners of being retained in service of Munger municipality. Their

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appointment being in teeth of Article-14 is void ab initio and does not require further direction from this Court. The only thing which the petitioners may be entitled in law on account of their continuation in service for a period of almost seven years would be that if and when Munger Municipality may advertise the post on which the petitioners were either working on any equivalent post, their cases would be considered along with other eligible candidates and if the petitioners are found to be overage by that time, the services rendered by them shall be taken into account for giving relaxation of age.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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