

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13623 of 2014

Sanjiv Kumar, S/o Shashi Bhushan Prasad Singh, Resident of Ward No. 16,
Mohalla- Islamia Chowk (Near Veer Kunwar Singh School), P.S. Saharsa, District-
Saharsa.

.... Petitioner

Versus

1. The State of Bihar.
2. The Secretary, Urban development and Housing Department, Govt. of Bihar,
Patna.
3. The Collector, Saharsa.
4. The Chairman, Saharsa Nagar Parishad, Saharsa.
5. The Executive Officer, Saharsa Nagar Parishad, Saharsa.
6. Sri Anil Kumar, Tax Daroga, Nagar Parishad, Saharsa.
7. Sri Anand Kumar, Tax Collector, Nagar Parishad, Saharsa.
8. Sri Manish Kumar, Tax Daroga, Nagar Parishad Saharsa.
9. Sri Amit Kumar, Tax Daroga, Nagar Parishad, Saharsa.
10. Sri Amit Kr. Yadav, Tax Daroga, Nagar Parishad, Saharsa.
11. Sri Raghunath Paswan, Asst. Jamadar, Nagar Parishad, Saharsa.
12. Sri Baidyanath Paswan, Safai Jamadar, Nagar Parishad, Saharsa.
13. Sri Gautam Singh, Tax Daroga, Nagar Parishad, Saharsa.

.... Respondent

Appearance :

For the Petitioner : Mr. Bindhyachal Singh, Adv.
For the Respondents : Mr. Chitranjan Sinha, Sr. Adv.
Mr. D.K. Jha, Adv.
Mr. S.C. Verma, Adv.
Mr. Navendu Kumar, Adv.
Mr. Siddhartha Prasad, Adv. A.C. to AAG-4

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 20-04-2015

This writ petition by way of Public Interest

Litigation is filed complaining that the respondents 6 to 13

herein are appointed in various posts contrary to the

prescribed procedure. It is submitted that the only basis



for appointing them was that either they were related or the followers of the Ward Commissioner. We issued notice to respondents 6 to 13 and learned counsel on their behalf also enter appearance. Their contention is that their appointments were purely on ad hoc basis on par with other employees and the writ petition is wholly motivated. On behalf of the petitioner it is contended that though the induction was on ad hoc basis, the Municipality has regularized the service of respondents 6 to 13.

Heard Shri Bindhyachal Singh, learned counsel for the petitioner, and Shri Chitranjan Sinha, Shri D.K. Jha, Shri S.C. Verma, Shri Navendu Kumar and Shri Siddhartha Prasad, learned counsel for the State.

The grievance of the petitioner is that the Municipality has made appointments to various posts without following the procedure, such as issuing advertisement or otherwise inviting applications from eligible candidates.

We would have certainly insisted on the procedure to be followed, but for the fact that the appointments are said to be purely ad hoc and on daily wage. No exception can be taken to such engagements. However, in the name of engaging persons on daily wage

the Municipality cannot confer any benefit on them. In case any order was passed regularizing the service of those, they need to be set aside.

The writ petition is disposed of directing that:

(A) The appointment or engagement of respondents 6 to 13 shall be treated as purely on ad hoc basis, to be in force till 1.6.2015;

(B) In case the services of respondents 6 to 13 have been regularized through any individual or common order, the same shall stand set aside;

(C) In case the Municipality intends to take steps to fill such vacancies either on daily wage or temporary basis, it shall invite applications from eligible persons and make appointments in accordance with law.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

K.C.jha/-
N.A.F.R.

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