

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17004 of 2015

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1. Dalan Prasad Singh S/o- Late Shyam Pd. Singh, Resident of Village-
Hathiyawan, P.S. + Village- Sekhpura at present Address near Patliputra Station,
Gandhinagar, Patna- 25
2. Abinash Kumar Singh S/o- Sri Mangal Pd. Singh, Resident of Village- Gotthani,
P.S.- Rafiganj, District- Aurangabad, at present address Rukanpura, Bailey Road,
Patna- 14

.... Petitioner/s

Versus

1. The Patna Municipal Corporation through its Municipal Commissioner, Maurya
Lok Complex, Budh Marg, Patna
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. K N Singh, Sr. Advocate
Mr. Bipin Kumar
Mr. Arun Kumar

For the Respondent/s : Mr. Mrigendra Kumar, AC to GA11

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-01-2016

The writ application is allowed on the sole ground that the Urban Development Department, Government of Bihar, has no authority to exercise over the present petitioners in view of the fact that they have not denied the assertions made in the writ application that these petitioners are employees of Patna Municipal Corporation.

Patna Municipal Corporation is governed by a set of rules as well as a legislation and nothing has been pointed out in the counter affidavit filed on behalf of the State authorities by virtue of which they can transfer and shift the employees, like the petitioners, to any other organization or establishment or even may be a municipal corporation beyond the ambit and jurisdiction of Patna Municipal Corporation.

If this be so, the writ application is allowed. The impugned order dated 30.6.2015, contained in Annexure-9, so far it relates to present petitioners, stands quashed.

If a proper amendment to the law or rules is brought into place, State may have opportunity to exercise such powers.

It is regrettable that Patna Municipal Corporation has not bothered to file any counter affidavit despite adjournment granted in this regard nor any assistance has been rendered in this case.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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