

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1294 of 2012

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Jitendra Kumar Singh, S/O Sri Bhagwan Singh, Resident of Village- Benaut, P.S.-
Rasulpur, District – Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development
Department, Govt. of Bihar, Patna.
2. District Magistrate, Siwan.
3. Nagar Parishad, Siwan through its Chairman, Nagar Parishad, Siwan.
4. Executive Officer, Nagar Parishad, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Banwari Sharma, Advocate Mr. Shiv Kumar, Advocate
For the Respondent/s	:	Mr. Binay Kumar, AC to SC-10
For the Nagar Parishad	:	Mr. Ravi Bhushan Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-09-2016

Heard Mr. Banwari Sharma, learned counsel appearing
for the petitioner, Mr. Ravi Bhushan Verma, learned counsel
appearing for the Nagar Parishad, Siwan and Mr. Binay Kumar,
learned Assisting Counsel to Standing Counsel No.10 for the State.

The petitioner is aggrieved by the order bearing Memo
No.1490 dated 25.11.2011, whereby the service contract entered
with the petitioner for collection of house tax has been terminated.

The case of the petitioner has a chequered history. He
was appointed as a Tax Collector on commission basis in the year
1996 but was terminated. He came before this Court in CWJC
No.6469 of 1997 which was disposed of by order dated 10.2.1999
with a direction to the Municipality to consider the case of the



petitioner for appointment in case he fulfills the eligibility. Following the order of this Court the petitioner was appointed under the order of the Special Officer dated 23.3.1999 vide Annexure-4 as a Tax Collector only to be terminated vide order passed on 10.5.2001 present at Annexure-5. He came before this Court in CWJC No.8397 of 2001 and again the writ petition was disposed of on 10.7.2001 with a direction to the Municipality to consider the case of the petitioner in case he would apply against any fresh advertisement. This led to third round engagement of the petitioner vide letter bearing Memo No.1118 dated 15.11.2003 present at Annexure-7 as a Tax Collector on commission basis only to be again terminated vide order passed on 9.6.2005 by the Executive Officer of the Municipality present at Annexure-9. A third round exercise was taken by the petitioner giving rise to CWJC No.8101 of 2005 which was disposed of on 22.5.2007 with a liberty to the petitioner to approach the authorities as regarding his utility as a Tax Collector. A fresh engagement followed on 10.9.2007 present at Annexure-11 and which has again been terminated resulting in the impugned order dated 25.11.2011 on grounds of low collection of taxes as well as misconduct with general public.

Almost five years has passed since the termination and the counter affidavit of the Municipality at paragraphs 19 to 23 discusses the reasons for the termination.

While Mr. Banwari Sharma, learned counsel appearing on behalf of the petitioner submits that there was no such laches on the part of the petitioner warranting a removal and for which he refers to Annexure- 19/A of the rejoinder to the counter affidavit, but the termination is being justified by Mr. Verma in reference to the recommendation present at Annexure ‘C’ to the counter affidavit to submit that there are innumerable complaints against the petitioner for seeking unjust gains.

Be that as it may, considering that the Municipality has chosen to do away the services of the petitioner on grounds of non-satisfactory collection of house tax and a period of more than five years has lapsed, I am not persuaded to interfere with the order of removal save and except to grant liberty to the petitioner to respond to any vacancy advertised and any such application being filed by the petitioner would be considered by the Nagar Parisad keeping in mind the past services rendered by him with the Municipality.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26-09-2016
Transmission Date	NA