

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13194 of 2013

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Anil Prasad S/O Late Kapildeo Prasad R/O Mohalla- Brahmpura, P.S.- Brahmpura,
District- Muzaffarpur Presently Working As Pipe Line Inspector (Trained) Water
Works, Municipal Corporation, Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Deptt. Of Urban Development, Bihar, Patna
3. The Principal Secretary, Deptt. Of Finance, Bihar, Patna
4. The Commissioner, Tirhut Division, Muzaffarpur
5. The Collector, Muzaffarpur
6. Muzaffarpur Municipal Corporation Through Its Chief Executive Officer,
Muzaffarpur
7. The Municipal Commissioner-Cum-Chief Executive Officer, Municipal
Corporation, Muzaffarpur
8. The Municipal Secretary, Municipal Corporation, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vishnudeo Narain, Sr. Adv. Mr. Manoj Kr. Manoj, Adv.
For the State	:	Mr. Anil Upadhyay, SC-2 Mr. Rohit Rajershi, Adv.
For the Resp. 6 & 7	:	Mr. Awadhesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-10-2016

Heard learned counsel for the parties.

In the present case, a claim has been raised by the petitioner that his pay-scale has wrongly been fixed of the untrained Pipeline Inspector whereas he has qualification of I.T.I. and, as such, he is a Trained Pipeline Inspector entitled to the scale of 5500-9000

In the counter affidavit, though factual aspect has not been denied by the Municipal Corporation but, learned counsel for the



State has submitted that unless the issue in question is decided by the Municipal Corporation as to with regard to the status of the petitioner of being an untrained or trained Pipeline Inspector, no mandamus can be issued and the principle of mandamus will only apply when the request is made and that is rejected and the persons has a legal or statutory right for the relief sought for.

In that view of the matter, it is the Empowered Standing Committee of the Municipal Corporation which has to take a decision about the status of the petitioner as the petitioner has also claimed the persons having certificate of I.T.I. qualification have been treated to be a trained Pipeline Inspector.

Thus, the petitioner is directed to file an application before the Municipal Commissioner who will refer the matter to the Empowered Standing Committee of the Municipal Corporation within a period of two weeks from the date of filing of the representation by the petitioner and the Empowered Standing Committee shall decide the case of the petitioner within a period of three months from the date of receipt of the application after examining all the materials available on record.

It is made clear that if the Empowered Standing Committee arrives to a findings that the petitioner is a trained Pipeline Inspector, in such circumstances, the petitioner will be entitled to the

scale of pay of Rs. 5500-9000.

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

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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