

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1358 of 2014

IN

Civil Writ Jurisdiction Case No. 13700 of 2008

- =====
1. Patna Municipal Corporation, Budhamarg, Patna through its Commissioner having office at Budhmarg, Patna.
 2. The Commissioner-cum-Chief Executive Officer, Patna Municipal Corporation, Budhamarg, P.S. Kotwali, District Patna.
 3. Assistant Municipal Commissioner, Patna Municipal Corporation, Budhamarg, P.S. Kotwali, District Patna.
 4. The Executive Officer, Nutan Rajdhani Circle, Patna Municipal Corporation, Budhamarg, Patna.

.... Appellants

Versus

Balram Prasad Singh S/o Jai Bihari Singh Resident of Keshri Bhawan, Shivji Path Yarpur, P.S. Gardanibag, District Patna.

.... Respondent

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Appearance :

For the Appellants : Mr. Ranjeet Kumar Pandey, Advocate
For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 28-04-2017

Since the consistency is the hallmark of justice, the learned single Judge has made no mistake of legal kind by being consistent in his view, which was based on previous adjudications and decisions identical on the issue. The writ application stood disposed of with the observation that if somebody was made to work on the post of a Tax Collector on the basis of decisions and orders passed by the authorities of the Patna Municipal Corporation, then they had a right to be either regularized or paid the benefit of the post of Tax Collector. There were two writ petitioners, who had



approached the High Court for similar kind of relief, therefore, they were both clubbed together and disposed of together.

On being questioned closely, the counsel for the Patna Municipal Corporation has no explanation as to why no legal battle was carried out beyond the decision which were rendered as far back as in the year 2002 and 2004, one of such decision has also been reported, which was the case of ***Surya Kant Jha vs. The Administrator, Patna Municipal Corporation and others***, reported in **2004(1) PLJR 366**, and yet another decision reported in the case of ***Sitaram Choudhary vs. Patna Municipal Corporation, Patna and others***, reported in **2004(4) PLJR 840**.

The Court would not like to interfere with the order of the learned single Judge since his decision is in conformity with the judicial view taken in the cases referred above, besides the cases which have also been noticed in the impugned order.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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