

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.998 of 2015
IN
Civil Writ Jurisdiction Case No. 6882 of 1998**

- =====
1. Ashish Kumar Bagchi, Bill Distributor, Bhagalpur Urban Electric Supply Division, P.S. Mojahidpur Town & District- Bhagalpur
 2. Perimal Kansabamik Bill Distributor, Bhagalpur Urban Electric Supply division, P.S. Majahidpur Town and District Bhagalpur.
 3. Arun Kumar Rai, Bill Distributor, Bhagalpur Urban Electric Supply Division, P.S. Mojahidpur Town & District- Bhagalpur.
 4. Nageshwar Poddar, Bill Distributor, Bhagalpur Urban Electric Supply Division, P.S. Mojahidpur Town & District- Bhagalpur.

.... Appellant/s

Versus

1. Bihar State Electricity Board since converted into Bihar State Power (Holding Co. Ltd., Bailey Road, P.S. Kotwali, Town and District- Patna.
2. The Secretary, Bihar State Electricity Board since converted into Bihar State Power (Holding) Co. Ltd. Bailey Road, P.S. Kotwali, Town and District- Patna.
3. The General Manager cum Chief Engineer, Bhagalpur Area electricity Board, since converted into Bhagalpur Electrical supply Area, P.S.- Ishah Chak, Town and District- Bhagalpur
4. The Electrical superintending Engineer, Bhagalpur electric Circe, P.S. Barari, Town and District- Bhagalpur.
5. The Electrical Executive Engineer, Bhagalpur Urban Electric Supply Division, P.S.- Mojahidpur, Town and District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shamsher Singh Rekhi, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Advocate
Mr Vijay Kumar Verma, Advocate
Mr Akhileshwar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 03-08-2017

Heard learned counsel for the appellants and learned senior counsel representing the erstwhile Electricity Board and now Power Distribution Company.

The writ application filed for regularization under the erstwhile Bihar State Electricity Board was dismissed by the learned



Single Judge primarily on the ground that the issue of regularization of contingent Bill Clerks, who were engaged on commission basis, has been considered and answered in the negative by a Division Bench, which is the case of Kamelesh Kumar Singh vs. State of Bihar & others. The order was dated 05.11.1997.

The strenuous effort made on behalf of the counsel for the appellants, as if they were hired by the erstwhile Electricity Board, is an innovation of argument and not of substance. The facts stand that these engagements used to be done on a commission basis, which can also be loosely said to be piecemeal basis as is the stand of the counsel for the appellants. It makes no difference. Even otherwise since the erstwhile Electricity Board now stands abolished, there cannot be a mandamus upon a body, which is non-existent now. The new company cannot be bound by such engagement done by the erstwhile Board.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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